

On September 28, 2020, the Board Meeting of the Board of School Directors of the Spring-Ford Area School District was called to order at 7:30 p.m. in the cafeteria of the Spring-Ford High School with the following in attendance:

Region I: Wendy Earle, Linda C. Fazzini and Dr. Margaret D. Wright  
Region II: Clinton L. Jackson and David R. Shafer  
Region III: Thomas J. DiBello, Christina F. Melton and Diane C. Sullivan  
Presiding Officer: Colleen Zasowski  
Superintendent: Dr. David R. Goodin  
Chief Financial Officer: James D. Fink  
Solicitor: Mark Fitzgerald, Esq.  
Student Reps.: Eshika Seth

## **ANNOUNCEMENTS**

Mrs. Zasowski advised that the board would be voting on the number of members of the public to be permitted at the meeting this evening as well as the format for public comment.

### **I. ACTION ITEMS**

Mrs. Zasowski read the motion. Mr. DiBello made a motion to approve Action Item A and Mr. Jackson seconded it. The Board provided their opinions on allowing an increase in the permissible amount of public in attendance at the meeting due to no standing Governor Order currently being in effect. It was determined that the cafeteria capacity would allow for 168 people maintaining the required 6 feet social distancing. All attendees will be required to wear masks at all times.

The floor was opened up for public comment on the motion.

Chief Boyer advised that as long as attendees tonight are six feet apart and wearing a mask he is not too concerned with what number the board decides on. He added that if social distancing is not maintained or a mask is not worn then the meeting must stop until that person complies as we want to keep this as safe as possible.

Michel Masters of the Montgomery County Office of Public Health stated that the permitted capacity is a recommendation and guidance to be 250 outside and 25 for indoors but the mandate is that everyone needs to be masked in the school setting whether talking or not.

There was a roll call vote with Mr. Shafer, Mr. Jackson, Mr. DiBello, Mrs. Zasowski, Mrs. Melton, Mrs. Fazzini voting yes and Dr. Wright, Ms. Sullivan and Mrs. Earle voting no. The motion passed 6-3.

A. The Board approved expanding the ability for in-person attendance at Spring-Ford Area School District Board Meetings to a crowd limit, exclusive of Board and Administration, not to exceed 168 attendees, with the following additional requirements:

- 1) All attendees shall be required to wear face coverings as defined by the State Department of Health at all times and in the event an attendee fails to adhere to

- such requirements they shall be removed from the meeting.
- 2) All attendees shall be spaced at least six feet apart consistent with guidelines of The Center for Disease Control and Prevention and any applicable guidance from the State.
  - 3) Additional safety measures not otherwise listed herein shall be adhered to that are consistent with the District current Health and Safety Plan.

Mrs. Melton made a motion to approve Item B and Mrs. Fazzini seconded it.

Mrs. Melton requested that the 60 minute time slot for public comment be divided into 2 equal 30 minute sessions between the public in attendance at the meeting and the public joining via Zoom so that each group has an equal opportunity to speak.

Mr. Shafer commented that he found it disheartening that the board would limit public comment. He stated that taxpayers have a right to make a comment whether it goes beyond the 60 minutes or not.

Mary Jo Mcnamara, Royersford, questioned if the board passes a motion to limit public comment was that for the remainder of any school board meetings or just until we get back to school plans passed. She expressed that she did not feel this was the right thing to do and that as a taxpayer she should have the right to speak her mind and say what she needs to for the time period it takes her to say it.

Mrs. Zasowski stated that they were talking about instituting this for this evening. Mr. DiBello made a revision to the motion to clarify that it is just for the meeting of 9/28/2020. Mrs. Melton who made the original motion accepted the amendment to the motion.

The motion passed 8-1 with Mr. Shafer voting no.

- B. The Board approved capping the public comment section, only for the meeting of 9/28/2020, to 60 minutes each with each speaker being allotted the full 3 minutes and in the first opportunity, to comment on agenda items only. The 60 minutes shall be divided into 2 equal 30 minute sessions between the public present in person at the meeting and public participating via Zoom. If time does not permit, additional comments can be made via email and included in the official School Board Meeting minutes.

## **ANNOUNCEMENTS**

Mr. DiBello commented on the confusion over tickets for last week's football game and advised that the decision was not a Spring-Ford one but rather a PAC decision. He stated that PAC is the conference that our sports teams play within. Dr. Wright said she wanted to thank everyone involved for making fall sports happen. Mrs. Melton advised that PAC has said they will be reevaluating their decision and making changes as warranted through-out the season. Mr. Shafer questioned how PAC has authority to mandate the usage of taxpayer facilities and Dr. Goodin replied that by agreeing to join the Pioneer Athletic Conference you agree to abide by their rules. The board discussed who has the authority and who sets the rules whether it is PIAA or PAC. It was suggested that this discussion be taken up at the Extracurricular Committee meeting in order for the board to move onto the important agenda items they have to address tonight.

## **II. PUBLIC TO BE HEARD ON AGENDA ITEMS ONLY**

**Seamus Mullarkey, Collegeville**, stated that tonight we will have our second medical professional present and he looked forward to hearing what Ms. Masters has to say. Mr.

Mullarkey asked how we have not found one medical professional to come in and explain in detail the significant adverse effects on our children being at home five days a week. He stated that everyone in the room knows that the kids are facing significant, adverse effects but nobody talks about this. He commented that they spent 12 minutes talking about whether we should take a vote but nobody is going to discuss or bring in a medical professional on the significant effects our kids are facing every single day; especially elementary kids. Mr. Mullarkey stated that he hoped this is discussed or at least bring somebody in to discuss it. He expressed that he found it embarrassing to be a resident of Spring-Ford School District and nobody wants to discuss how the kids are suffering.

**Michael Lebiedzinski, Royersford**, commented that Spring-Ford received some great news today with the health experts ranking Pennsylvania third out of fifty states in the United States as the safest state for schools to open for in person education. He stated that the study's methodology considered two dimensions; risk of COVID-19 infections, health and financial infrastructure as well as 15 quantitative metrics including the number of child COVID-19 cases per 100,000 children and the average public school class size including the ratio of students to school nurses. Mr. Lebiedzinski said the district should be encouraging news to the board members as they consider Dr. Goodin's plan tonight. He commented that tonight we will hear from the Montgomery County Department of Health Communicable Field Supervisor and said before we get ahead of ourselves discussing the response to potential COVID cases in the school district he felt we needed to take a step back and have an adult conversation about the definition of a COVID case. Mr. Lebiedzinski asked what a case actually means, what does it mean when a COVID PCR test is positive, are all positive cases equal and what does the PCR test look for exactly? He advised that it amplifies genetic material from a nasal swab in cycles and the fewer cycles it takes to detect viral material the greater amount of viral load in the sample. He added that the greater the viral load the more the person is contagious. He stated that this information is important because as we will hear tonight contact tracing activities, mask orders, quarantines and even public health policy that you will hear from Ms. Masters has a basis in the number of reported positive cases. Mr. Lebiedzinski commented that over the past few weeks mainstream media was flushed with reports of cases and outbreaks as colleges and universities opened for education. He stated that across 24,500 reported PCR positive cases only two hospitalizations were reported and zero deaths which is a calculated 0.008% hospitalization rate and a 0% case fatality rate. He asked what the basis was for the fascination with cases while de-emphasizing the more accurate indicators of virus severity such as hospitalizations and deaths? Dr. Said El Zein and his Wayne State University Team analyzed viral loads for patients at the Detroit Medical Center via nasal swabs using a cycle threshold value scale with high being over 37, medium being 26-36 and low being under 25. Mr. Lebiedzinski said that during the week of April 4th 49% of COVID patients had a medium viral load with the remaining being evenly split between low and high. He stated that by 5 weeks later 70% fell into the low category which in turn correlated with a decrease in patient deaths.

**Rachel Kerchner, Phoenixville**, commented that a recent study funded by the NIH John Hopkins Center of Excellence for Influenza Research and Surveillance published just one month ago on August 27, 2020 concluded that molecular detection of SARS CoV-2 RNA did not mean infectious virus was present. She stated that the use of cycle thresholds, count values and clinical symptoms in combination with PCR testing provides more accurate assessment of potential for infectious virus shedding. Ms. Kerchner said this study has a relatively small sample size but it is by far not the only study making this conclusion. She advised that the New York Times recently published an investigative piece on September 17, 2020 quoting Dr. Michael Mina, Epidemiologist at Harvard T.H. Chan School of Public Health, "we've been using one type of data for everything and that is just plus or minus,

positive or negative, and that is all. We are using that for clinical diagnostics, for public health and for policy decision making". She stated that Dr. Mina's quote is the connection to tonight's discussion. She added that he goes on to say "it is really irresponsible to forego the recognition that this is a quantitative issue and not just positive or negative". Ms. Kerchner reported that in the same article, Juliet Morrison, a Virologist at the University of California – Riverside, said "any test with a cycle threshold above 35 is too sensitive. I'm shocked that people would think that 40 could represent a positive result". Ms. Kerchner stated that these are the qualified opinions of 4 scientists and what the data tells us is that the CDC's own calculations indicate that it is extremely difficult to detect any live virus in samples above the 33 cycles. She added that according to Labcorp's emergency use authorization for COVID testing they use a threshold count of 38 and Quest uses 40; both well above the CDC threshold. She commented that finally, with regard to Montgomery County's contact tracing activities, which are based on positive cases, she would like to leave with a final quote from Dr. Mina in Massachusetts, "from 85% to 90% of the people who tested positive in July with a cycle threshold of 40, would have been deemed negative if the threshold were 30 cycles. I would say that none of the people should be contact traced, not one". Ms. Kerchner stated that Montgomery County uses PCR positive test results to determine public health policy including potential invasion of our privacy under the guise of safety, universal mask orders, congregate gathering restrictions on outdoor sporting events, being threatened by Val Arkoosh which restricts us from one of the most enjoyable parental activities - in person viewing of our children playing sports.

**Roland Olsen, Collegeville**, stated that Montgomery County uses PCR positive test results to determine public health policy including potential invasion of our privacy under the guise of safety, universal mask orders, and the congregate gathering restrictions on outdoor sporting events, being threatened by Commissioner Val Arkoosh which restricts us from one of the most enjoyable parental activities - in person viewing of our children playing sports. He added accordingly, it is reasonable that we hear from Ms. Masters tonight whether the county is incorporating the cycle threshold in their assessment of virus severity and contact tracing and if not why not? Mr. Olsen said he would like to understand why there was an exception made to allow a guest speaker to speak during a board action which does not allow anyone else other than people within our jurisdiction to speak. He felt it was totally uncalled for.

**Jill Schadler, Royersford**, she thanked the board for allowing members of the public to come in and attend in person. Ms. Schadler stated that it is of no shock to the audience that we are the only school district in the local area who has not shared a plan for return. She said she is here in person to listen to that plan tonight and she hoped that she would not be disappointed. Ms. Schadler commented that on other calls and even board members have stated they have been touch with other school districts and yet here we sit on September 28<sup>th</sup> with nothing. She added that she would like to share her two 8<sup>th</sup> graders experience with the virtual learning setting. Ms. Schadler stated that she would like to caveat this by saying she is one of the lucky parents; a working parent and her children are older and can follow a bell schedule. She advised that she demanded that her children have their cameras on every day for class to build a relationship with their teachers and out of respect for what those teachers are doing. She commented that three weeks in those cameras are off against her wishes and the reasons why that her children have shared with her: kids have shared screenshots of other kids on camera in bed under the covers, on Facetime with their friends during class and they have said it is completely distracting. She stated that they are questioning if they are being distracting to others. Ms. Schadler added that on multiple occasions they have shared stories of students from other grades entering their Zoom calls, playing inappropriate music, gesturing inappropriate things and lyrics. She reported that her 8<sup>th</sup> graders said no one is taking this seriously so why should they and she found this to be embarrassing. She stated that this is causing them to disengage and she does not want them to disrespect the efforts of the teachers. Her children expressed to her that they cannot imagine doing this for seven more weeks and felt that what would happen would be two weeks before Thanksgiving it will be said to let the students stay home and then students will return after

Thanksgiving and it will be determined that it is only three weeks until Christmas and the next thing you know they will be home the rest of 2020. Ms. Schadler said she will not share the details of her one child's emotional health in this environment. She asked that on this agenda item she is looking to the school leadership, Dr. Goodin, to share a strategy and a plan that builds parent's confidence that they all are capable to do the job.

**Mary Jo McNamara, Royersford**, said she does not want to presuppose what is going to be presented in the plan but based on what the action item is for all of the board to vote on tonight, she is strongly recommending that they consider a date prior to November 12<sup>th</sup>. She asked them to please try to keep that in mind as we are being presented with whatever this plan is.

**Kate Palladino, Royersford**, commented that she felt it is extremely important to do what is best for our children and families. She stated that she does not know where people in the community and country have gone wrong but this pandemic has become completely politicized and ugly. Ms. Palladino said there is a small group of parents in the community being fueled by a huge bully on the board who are in turn bullying our administration, teachers and many others on the board and are now bowing to pressure due to fear and lack of verbal support from others in the community. She stated that members of the board, teachers and community members are fearful of speaking up in good part because of this group. She advised that sadly her husband is afraid of her speaking up because of the concern for backlash from very loud parents who have one agenda which is to get their kids back to school no matter what. She added that occasionally they hear that the group cares about everyone but in reality that is not the case and she is here to speak for the little guy who are many in the community and actually want their children to return to school but want to be sure that it is done safely and correctly by following all recommended guidelines. Ms. Palladino said she is also speaking for those who do not want their children to return to school or those who can't safely do so because they or someone in their family is compromised as well as the teacher who may not have been given a voice. She said she was here to speak for the majority of the community and not necessarily the loudest and just because they don't all speak up does not mean that their needs and ideas do not matter. She asked the board and administrators to stop bending to the threats of this council. She advised that she joined it because she thought it was a group of people coming together to discuss ideas on how we can safely return to school and in turn work with the district but this is not the case as the small group of people that are really vocal are bullies and will do anything to belittle the people in the community. Ms. Palladino stated that what we all want is the best possible education options for the varying needs of our students and parents including a safe return for those who can and not merely 3 feet with no masks or other social distancing measures put in place because you are going to do the bare minimum. She said as for tonight's agenda Item IV-B states all CDC guidelines and state mandates will be followed as best as possible which she did not find to be acceptable. She next stated that a comparable program for students and parents who do not feel comfortable or can't return to school, not a watered down option, not cameras while teachers are teaching in class as all students deserve the same level and quality of education regardless of circumstances. She asked the board and administration to work together with teachers and diverse members of the community to come up with plans to provide the best quality possible even though it may cost more money and may require hiring more teachers and making adjustments. Ms. Palladino added that we need to fully invest in the education of kids. She urged parents who believe similarly or have something to say to please speak up and also urged board members who want the best for the kids to also please speak up. She stated that by the administration and the board taking options off in recent weeks it shows that they are allowing a group of loud bullies to dictate their job and responsibilities. She urged them to stop bowing to the bullies and serve their entire community please.

**Alison O'Brien, Collegeville**, stated that she was appalled by how the beginning of the meeting started with a lot of time spent talking about football instead of what we need to talk about which is the children. She said she understands that parents are missing games and missing things that they will never get back but this is all something that they have had to adjust to since March with

the pandemic. She commented that the mask wearing was absolutely atrocious and the fact that this is the first time that board members even suggested wearing them was tonight. She stated that people are wearing their masks incorrectly with their nose hanging out and as far as glasses fogging up there are plenty of ways you can wear a mask where your glasses do not fog up. Ms. O'Brien stated that are people who are hesitant to put them on and questioned what they expect children to do if adults can't. She expressed that her experience with virtual school has been nothing but positive which she felt was a profound statement since she has a kindergarten student who just started school and this was a reflection of the awesome teachers who should be credited for that. She stated that despite which opening is picked this evening they need to consider to continue to make online schooling an option available for those who may not be comfortable sending their kids back to school and it should be in the same format as it is being presented now. She added that she does think they need their concerns addressed with regards to whether their child will still be with their classmates, will they be given a new teacher and is it fair to even change a kid's teacher after school has started. She said she personally does not believe we should just put the kids back to school just because it is time to get the kids back to school as they need to come up with a good proper plan. Ms. O'Brien stated that it is a hybrid opening then we need to discuss how to do social distancing, how to keep kids wearing masks, what are we going to do in regards to contact tracing if people are not willing to get tested and are showing symptoms or are not willing to report as they feel it is an invasion of their privacy. She expressed hope that they put the thoughts of the kids first and not make this a politicized agenda issue.

**Ed Hudak, Schwenksville**, stated that he hoped the board votes for the kids to come back and that the promises are kept. He indicated that there were many times they have been told that grants were available, there were plans and PPE in place and then all of a sudden those disappeared and students were not able to return to school because they were told throughout the whole course of the process that material was going to be available and then it was not. He added that he did not think it was beneficial for anyone to call others names in this event so while we all have opinions let's please be constructive and continue saying what we would like instead of saying what everyone else is thinking or calling other people names and using big buzz words like bully to say that people are doing one thing and not another.

**Kate Doyle, Collegeville**, commented that seeing the board debate earlier on whether to hear from our County Board of Health and demanding to know what type of expert and whether the recommendation is a guideline or mandate is extremely concerning. She felt that this reflects poorly on the future decisions because there are so many recommendations from the CDC and other bodies of health departments that are flexible because they recognize the differences between schools and she would hope that Spring-Ford would drive to have the best measures in place to ensure the safety of our students, staff and teachers. Ms. Doyle stated that she did not want to see in the future that only the minimum mandates are executed. She added that she would like to highlight that while livestreaming classes, that has been discussed in previous committee meetings, may appear to be a solution that gives both in class and at home students access, it will likely set the teachers, administration and at home students up for frustration and potential failure. She stated that the in class students will also be negatively impacted by the strict restrictions a livestreaming environment places on the teacher's possible instruction methods. Ms. Doyle recommended that the district invests its limited time and energy into developing dedicated and virtual synchronous teachers for specific grades and classes where at all possible and then supplementing the cyber program with additional staff to provide 9-5 support to students who have questions or need assistance. She stated that she personally prefers synchronous learning for her children but added that she would enroll them in cyber over livestreaming because she feels that it would be unable to provide equitable or a quality experience for those who remain at home due to limited video technology being available, equipment backlogs, budget constraints, intermittent audio quality for the teachers and/or students due to non-commercial grade and limited desktop microphones, limited lesson plan options and limited ability to interact with teacher and classmates in order to ask questions. Ms. Doyle commented that requiring a teacher to develop and execute

both in class and virtual lesson plans requires an inordinate amount of work that equates to almost two jobs and she did not feel we should be asking that of the teachers who are already putting in significant hours beyond their pre-COVID workload. She urged the board to please insure students that stay home that they will have dedicated instructors available via Spring-Ford Cyber or a dedicated virtual or synchronous teacher as discussed at the Curriculum Committee meeting. She thanked the board for their continued dedication to insuring the safety of students, teachers and staff during these unprecedented times.

**Erica Hermans, Royersford**, stated that under agenda item IV, A it states that all CDC guidelines and state mandates will be followed as best as possible which she felt was a relative term and she asked for the board and administration to clarify what mandates and guidelines are up for debate and which ones will not be followed when ultimately returning her kids back to the buildings. Ms. Hermans said she wants to be confident when she decides to bring her children back that the district is taking every precaution to insure the safety of the community and as of now she did not feel confident. She added that overall she believes the board members should vote against a return to live in person instruction if the district is unable to enforce state mandates and CDC guidelines. She stated that she is sure some would choose to push for five-day live instruction while making the wearing of a mask optional which she felt was reckless thinking and should be non-negotiable. Ms. Hermans commented that we need to insure the safety of our children, staff and families in the home and the simple truth is that we are seeing a spread within our Spring-Ford schools while children are learning at home virtually. She stated that continuing not following mandates will only perpetuate the situation we are in.

**Hope Bodenschatz, Royersford**, urged the board to vote in favor of providing an option for students to return to in person learning as soon as possible and in a full-time capacity. She stated that the current virtual learning environment is taking a toll on so many of the kids. She advised that while her family has not experienced the technology issues like many others have, there are still issues. Ms. Bodenschatz stated that academics are suffering and additionally, it is very difficult for a 13 year old boy to remain focused when sitting in his own room for school all day with no real release of tension between classes and it gets harder and harder to focus as the day goes on. She added that while 4 minutes might seem quick, spending 4 minutes walking between classes and talking with your friends gives enough of a release to a kid that they can walk into the next class ready to focus and learn. She stated that is not happening while the kids are at home. Ms. Bodenschatz commented that mental health is suffering and they are hanging in here right now but this is not an environment that we can continue long-term as the negative aspects of being alone in your house with only your family is only going to compound as time goes on. She stated that it is going to get worse and not better. She pointed out that in a previous meeting a question was asked about what was being done about mental health and a board member advised that they should click on a link to get help from our website. She implored the board to consider instead of providing help after a mental health situation why are we not working on preventing these issues from happening in the first place. Ms. Bodenschatz stated that for her family and many others she has spoken to, Canvas is really difficult to manage from a task list perspective. She advised that her son is frequently missing assignments which causes stress on him, on her and on their relationship with each other. She stated that at the last meeting a board member shared an email from one person who was happy with the virtual environment and she wanted to share that she has heard from dozens of parents that this is not the case and has not heard from a single parent that they are happy with this. She felt that reading a single email from one parent seems unfair to the rest of them. Ms. Bodenschatz urged the board to vote in line with the majority of families as the survey showed that a majority of them wish to have an option to return to in person learning.

**Rebecca Roberts, Limerick**, commented that she is concerned about the safety of opening and thinks that everybody including her wants the kids to be back but she is not willing to put her kids safety at risk if certain mandates and CDC guidelines are not fully enforced. She stated that the idea that masks or social distancing could be optional while inside the building terrifies her. Ms.

Roberts said she would like to think that the idea of positive tests, even though our kids might not be infectious when they are in the school building, those positive tests do mean that those kids are infected and we do not know the long-term health effects of infection on our children. She advised that a study just came out today that showed that kids ages 12-17 are twice as likely to get infected in a school situation than younger kids. She stated that when we talk about infectivity, we need to think about the younger kids as a separate pool from the middle schoolers and high schoolers.

**Deb Miller, Collegeville**, stated that she has 3 children from seniors to 7<sup>th</sup> grade in the district and has always felt that Spring-Ford was one of the top academic school districts in the area which is why they have stayed here. She commented that she continues to think that now that we have heard from the majority of parents, 70%, that they want to return to school in person and we live in a green state and the majority of schools around us who are not nearly as academically and as well run as Spring-Ford have found a way to go back to school live in a green phase. Ms. Miller expressed hope that Spring-Ford will come forward tonight for an in school plan in person that will meet the needs of all parents. She stated that she is confident that people who are afraid will have the option to keep their children home but the majority, 70%+, want their children in school, therefore, it is the majority that are speaking and is the majority who need that plan to go back to school. Ms. Miller said if others do not agree then by all means they can keep their children home and they can use the Canvas system or the virtual system that some people feel is working so well. She stated that for her and her children, it is not working nor does she want her senior to have to finish his school year trying to take 5 AP classes on a Canvas meeting situation where people do not have their cameras on. She pleaded to get to Dr. Goodin's plan, listen, come together as a community, stop bickering and get the children who want to back to school.

**Liza Takiya, Phoenixville**, commented that as it was evident by the discussion earlier there was great concern about having more than 25 people in the room which seems to be larger than any particular classroom. She stated that with that said she did not understand how we would feel comfortable with having all students for in-person learning knowing that the six foot guidance would not be adhered to. She advised that she has 3 kids in the school district and they all have different feelings about the virtual versus in person learning. Ms. Takiya said she believes that the school district teachers are doing an excellent job of delivering the virtual instruction as she can see that her kids are engaged and they are learning throughout their classes. She stated that we all know that school is more than instruction as it provides kids with a sense of belonging, a safe space, the ability for socialization, nutrition and other aspects. She commented that she understands that based on the survey that was sent out to parents that over an upwards of 75% of the responses were for in school learning but she believes there was some confusion in responding to the survey as she can say for herself that in responding for her first child, she assumed that the in person learning would include a hybrid option. She advised that after she responded she realized that the hybrid option was not being entertained. Ms. Takiya said she would take the survey responses with a grain of salt and she would encourage the consideration of a hybrid option. She stated that she understands the concern of the hybrid option is that the students would not engage with their teachers five days a week as they are right now in the virtual setting. She added that she believes that the Canvas platform has the ability to have engaging content for the students, allows them also to have a bit of a break from Zoom all day long, allows them to take the time and understand the material and reach out to their teachers when needed. She stated that the hybrid option will allow students to have other benefits of school including socialization and peer to peer interaction in a safe manner with the potential of having proper social distancing to prevent the spread of COVID. Ms. Takiya said the reason why the rates of COVID in PA have tapered over the past few months is due to the measures that have been put in place in the state such as limits on restaurant capacity, limits on the number of people for social gatherings, etc. She added that if in person learning is going to



move forward then she would ask the board to consider limits on the number of students that could be safely in the schools at once.

**Dawn Skelton, Royersford**, said she keeps hearing a lot of fear and she does not like that mitigating what is being done for every student in the district. She stated that if you are not comfortable sending your children back in person then please feel free to exercise one of the other options available to you and if you do not like those options then feel free to fight to improve them, not to limit or reduce the options for everyone else. Ms. Skelton commented shame on anyone presuming to understand the individual circumstances or needs of every child and family in the district who does not have options. She added that everyone is struggling to decide what is right and if you feel the risk of the virus is greater than the emotional and psychological toll as well as any long-term impact this may have on their learning then that is between you, your family and your doctor. She asked that everyone please have some respect for those that feel differently. Ms. Skelton stated that there is not one single person in the administration, the board or the community who is capable of speaking on what is in the best interest of every child in the district. She said it has been more than 6 months and by now every parent should have educated themselves, spoken to their doctors and have a full understanding of the risks of everything they do in their daily lives. She stated that it is the job of parents to understand and weigh the risks to determine what is in the best interest of their own children so stop trying to make those decisions for them because you could not possibly. Ms. Skelton expressed that this administration by not being able to provide viable options has failed the community. She stated that she is tired of hearing what cannot be done; just because it is hard to do is not the lesson we should be teaching students of this district. She commented that the assignment of the administration was to create plans for students to learn both in person and virtually. She added that there is a cyber option and we are currently in the virtual option which for her family is not working. She stated that by not providing a plan to bring the kids back in person, this administration has failed the community. She asked that it be clear that any plan without an implementation plan is not a plan at all and suggested that they do it over. She said if this was a child in the district that failed so completely, you would not sit here and listened to them whine about having to throw out any work they have done so far as we would make them do it over until they get it right so it is time for the administration to be the example and do it over until you get it right. She felt it was inexcusable that at this point in time the district is not prepared to move seamlessly from one phase to another as circumstances change. Ms. Skelton advised that she has spoken in great depth with her family doctor regarding the specific needs of her children and they are in agreement that we need to be in a brick and mortar school room setting. She stated that she respects the decisions of any parent who makes a different decision for their family and their children and she expects the same respect in return as they all try to navigate through doing what is best for their families. She added that it is the district who needs to provide viable options and allow the parents to decide what is best for their families and they will take the burden of that decision from the district so provide them options and they will make the decision.

**Patty Moscirella, Collegeville**, expressed hope that the presentation will address things such as what will happen if you go back to school in person and then all of a sudden have to quarantine; how will the child be taught, how will it affect scheduling, will the student's schedule change from what it is now, will their teachers change. She also stated that she hoped that PPE supplies would be addressed in the presentation as well since it was stated that one reason we could not return to in school learning was due to those supplies not being available.

**Debarati Roy, Collegeville**, thanked the board, administration, teachers and staff for a great start to a very difficult school year. She stated that although it is not ideal for kids to be learning remotely but we are not in a normal year. She added that it is not a conspiracy theory that there is a pandemic surrounding us in this country or around the world. Ms. Roy commented that at the last meeting Mr. Rizzo explained that there were 72% who would like to come back to school in person, 22.4% opting for virtual instruction and 4.3% opting for cyber. She stated that in talking with people

in the community she realized that not a lot of people were fully aware of the virtual option. She said most understood that there was a cyber academy as this was the most advertised at that point. Ms. Roy expressed that she felt that if parents were provided with the data on the virtual option using Skyward or something more reliable than just a survey the number families opting for virtual would increase more than 22.4% especially during fall which is considered to be the flu season. She asked that administration plan accordingly and not force families to move from the synchronous learning that is working to cyber which would be like moving kids to a different school system which no one wants to do unless really necessary. Ms. Roy added that people opting for virtual have real solid reasons that some may consider fearful but it is something they are really considering seriously as no one wants kids to be remote in a normal situation. She expressed hope that administration will share clear plans of how virtual learning will work in parallel with in person. She asked if AP classes will be added, if Zoom classes will be added and said that it is not really clear so asking people to answer surveys is difficult because people are doubtful about the real implementation. She stated that she hoped today's presentation that Dr. Goodin will share will provide more details which will reduce some of the doubts they all have.

**Julie Mukherjee, Schwenksville**, said she had concerns over the children who need to stay home and if they will have the right equipment, be able to stay with their same teachers, and continue doing what they have been doing so far. She stated that she did not think it was fair for the kids whose parents have concerns and do not want them to go back to a full classroom to not be able to continue the relationships they have been forming. She advised that she has seen her children form relationships online and they are enjoying their classes and children in their class and she would like for this to be able to continue. Ms. Mukherjee said she wanted to be sure that the district has everything in place for the kids. She stated that masks are absolutely necessary and we cannot have the children back in the classroom if they are not forced to wear a mask as there is no reason why they can't.

**Carolyn Fuss, Collegeville**, stated that she hoped the district could find a way to keep virtual synchronous learning for students who do not wish to return to school. She advised that her kids are doing great in a virtual environment finding all of their classes and doing all of their assignments. Ms. Fuss commented that she would love them to be back but just does not feel it is safe and the right time for them. She urged that they keep the synchronous virtual environment and not pull them from their teachers while you bring others back to school.

**Maggie Youssef, Phoenixville**, said she personally would like more transparency on the percentage of families interested in a full return to school. She stated that it was communicated that 70%+ were interested in a full return to school district-wide but she also heard that 50%+ wanted to return fully at the elementary level especially at her child's school. She said this is a significant difference and affects each school differently. Ms. Youssef said she would not advise lumping all of the schools together in saying that a majority of the families want to return. She added that the great percentage of high school students in the district outweigh the elementary level and obviously at the higher levels they have a different agenda than at the elementary school level whether it be college prep or sports. She felt her child at the elementary level should not be lumped in with the decision made for the higher levels and by saying 70%+ want to return to in person school is indicative of the whole district. She likened it to throwing the baby out with the bathwater and said she does not think there has been full transparency of the different percentages of the different schools.

**Emily Bell, Royersford**, commented that she understands that her opinion is based solely on her family's situation and everyone is going to come from a different place. She stated that the virtual option is not working for her family and it is causing her to have to work nights and weekends to make up for the work she cannot get done during the day. She said with that in mind and with kids with IEPs, the amount of assistance that is needed for a kid with a 504 or IEP is much greater when they are virtual than if they were in person. Ms. Bell pleaded that if there is any way the

kids can go earlier than the planned October 19<sup>th</sup> with an IEP that this would be considered because the thought of having to do this for another 3 weeks it is just devastating for both her children and her. She stated that this is not a reflection on the teachers whatsoever as they are doing absolutely everything they can and doing an excellent job. Ms. Bell advised that seeing the struggle they have with the technology, kids not being able to find the right page or the right thing and they have to spend so much time trying to help these little kids navigate as best they can is frustrating for them to be virtual as well. She stated that for those families like hers with different situations that need to get their children in person, she would like to see this happen before November because it is just not working.

**Arlene Hudak, Schwenksville**, said she is looking forward tonight to hearing what Dr. Goodin's plan is to return to school on November 12<sup>th</sup>. She stated that we should have a plan set forward at this time and need to follow through instead of sending out surveys and changing at the last minute. She commented that the students are thriving and going into their Spring-Ford sports every day is one positive that Spring-Ford went ahead with. Ms. Hudak stated that these children have something to look forward to in seeing their friends and coaches every day. She added that when the kids report they are having their temperatures taken, wearing their mask and they are positive and looking forward this continuing every day. She expressed that we want our kids to stay safe and return in a positive manner while following all CDC guidelines. She felt the teachers were doing a wonderful job on Canvas and her children's teachers are checking in with them every day. She thanked the teachers for all going above and beyond. Ms. Hudak advised that she has a senior and hoped that there will be a 20-21 graduation celebration in person at the McNelly Stadium. She stated let's get our Spring-Ford Rams back in person.

**Erica Love, Royersford**, stated that she would advocate for a hybrid plan if all of the other PAC schools are doing a hybrid plan and all of the other well thought of districts are doing a hybrid plan and a phased return. She commented that she wanted to make sure that when they are considering this decision that they consider the perspective of the teachers. Ms. Love said she hears a lot of praise for teachers and respects what they are doing which is wonderful as they are working really hard. She stated that there are a lot of stakeholders in making a decision like this and it is not just the students and parents but it is also the staff and teachers and they do not necessarily have the option of staying online, going in person and it is not easy for them to just pack up and quit their job. Ms. Love said she wanted to make sure that the perspective of the teachers was also being considered as in these meetings they have barely been mentioned.

**Jordan Jackson, Collegeville**, commented that she is a junior in Spring-Ford right now and she wanted to urge the school board to not automatically throw the kids back into school. She stated that she respects the parents and understands that they are struggling but the kids, teachers and staff are the ones who have to go back onto the front lines of the school. Ms. Jackson added that they are the ones who are seriously risking their health by having the possibility of being with so many people. She said she felt the teachers are doing great which has already been said and the learning has been fantastic. She commented that it is important that while they all care about what parents think, the parents don't have to go back to school students do, and she would rather that not be as much of a decision and they really concern themselves with the teachers and the students because they have to do it and if they get sick it all comes crashing down.

### III. PRESENTATION

Michel Masters stated that she was here to talk about Montgomery County's role in the handling of COVID cases. She advised that Montgomery County was in a low to moderate transmission and is a good time to start to bring students back safely. She advised that as a result of this they support hybrid, blended or virtual learning for students, not only for contact tracing but for prevention of disease. Ms. Masters advised that they encourage 6 feet of social distancing be maintained at all times as well as mandatory masking. She said they also encourage identifying who is in what classrooms and limiting communal spaces.

Ms. Master explained what contact tracing was and the role of Montgomery County Department of Public Health and the role the school district will take to provide support.

Mrs. Zasowski asked what the county threshold was with regards to closing a building or school district. Ms. Masters replied that Montgomery County is using the data received from cases as well as contact tracing to decide what measures are best. She added that they are really looking for ongoing transmission.

Mrs. Melton asked how many schools in Montgomery County had been closed down or recommended to go virtual so far and Ms. Masters responded there was one which was due to ongoing transmission. She added that this was for 14 days in order to complete a full quarantine/incubation period.

- A. **Michel Masters, Montgomery County Department of Health and Human Services,** to discuss the Montgomery County Department of Health's role in handling COVID cases in school.

Dr. Goodin recognized his administrative team for all of the hours they have put into working out the details of the plan he was about to present. He reminded everyone and stressed that the district had three opening plans which were often times referred to as templates. Dr. Goodin explained the three opening plans the district had put together although they did not have the plan they are presenting tonight due to the fact that a virtual option was not supported. He advised that on September 14<sup>th</sup> the administrative team was directed by the school board to come up with an in person and virtual plan for returning students to school. He advised that parents will have an opportunity to hear about the return to school options and then will be asked to complete a commitment letter indicating the return to school that they are most comfortable with for their child. Dr. Goodin advised that virtual instruction will look different for K-6 students than it will for students in grade 7-12 which will be a more livestreaming scenario. Dr. Goodin provided an overview of his presentation which included reopening goals, a reopening timeline, an understanding of COVID, the following of county metrics, what in person learning looks like in marking period 2 and what virtual learning looks like in marking period 2. He presented a listing of those staff members who make up the Spring-Ford COVID Task Force and are responsible for reporting the required information to the Montgomery County Office of Public Health as well as the superintendent of schools. Dr. Goodin spoke about the training and resources that have been and will be provided to the school nurses. He next presented a table found on PDE's website that shows the level of community transmission and the recommended instructional models for the low, moderate and substantial designation levels. Dr. Goodin advised that at our current county designation of moderate it is recommended to use a blended model or a full remote learning model. He added that it was important to note that a significant and/or widespread outbreak may require moving to a more remote-based model more quickly. Dr. Goodin next spoke about the student experience for a return to in person learning which will require students and employees to wear masks at all times except during lunch and during mask breaks. He showed images of how seating would be arranged in the classrooms and cafeteria. Dr. Goodin also advised that lunches will be a bag and go type lunch. He also spoke about procedures for the change of classes with regards to students in the hallways, school busses with regards to the transportation of students, the assignment of seats for contact tracing purposes and the cleaning of busses. He next provided information on the daily cleaning of buildings. Dr. Goodin discussed the district's expectations of parents for sending their students to school and added that staff will also follow the same list of expectations for coming into work each day. Dr. Goodin provided an update on the current inventory for PPE supplies.

Trisha Smith reported that as part of the COVID-19 Task Force the nurses have had meetings with Michel Masters from the Montgomery County Office of Public Health. Ms. Smith advised that it was encouraged for the district to have a few COVID Liaisons who will streamline the

reopening process of positive COVID cases in our schools by reporting directly to Ms. Masters or one of the two other directors at the Montgomery County Office of Public Health. Ms. Smith stated that there will be a liaison at the elementary level, one at the secondary level and one for athletics. She next spoke of the process that the nurses will follow when a student or staff member gets sick at school.

Dr. Goodin advised that the district will be sending out a weekly COVID community to the staff and community and he showed an example of how the update will look. He also spoke about how a confirmed COVID case by a staff member was recently handled and how student cases would be handled including if the siblings of the student would be sent home as well. Dr. Goodin stated that all information being discussed can be found on the District Website under COVID-19 Resources. He next reported on how students will continue learning while being quarantined at home. Dr. Goodin advised that the district is looking at in person and virtual learning beginning November 12<sup>th</sup> through February 1<sup>st</sup>. He gave an overview of what the current virtual learning experience looks like now and added that families should not expect the same virtual experience in the second marking period. He spoke about the changes that families can expect to see including dedicated content virtual teachers at the elementary levels, specials being available through Canvas, and 7<sup>th</sup>-12<sup>th</sup> grade students following their second marking period schedule whether in class or virtually. He commented that the dedicated content teacher model will work for the elementary level but not the secondary level due to the number of courses offered. Dr. Goodin spoke about the K-6 pros and cons of dedicated virtual teachers. He next presented the pros and cons of livestreaming for students in grades 7-12.

Ms. Ritter, Mr. Laurie and Mr. Miscavage, representatives from the Spring-Ford Education Association (SFEA), were present tonight to speak about the instructional plans being proposed from the teacher's perspective. Ms. Ritter spoke of the difficulty teachers will experience in trying to work with both students in the classroom and those participating virtually from home. She also spoke of the problems students will experience. The Board asked what the teachers would need to make this work and Mrs. Ritter explained that it was not an equipment issue but more of a Zoom issue and trying to teach students both in person and those at home participating virtually at the same time. She advised that SFEA does not recommend the livestreaming model. Mr. Laurie commented that you can throw a lot of technology at a problem but it comes back to teaching and learning being relationship driven. He stated that you can have all of the best technology available but if he cannot focus in on a child who needs his help then that technology does not matter. A question was asked about the SFEA's stance on the K-6 model being proposed and Mr. Laurie replied that they are more comfortable with this model than the one for 7-12 but that he would say it was great. He expressed concern over classes being torn apart from those virtual classrooms established at the start of the school year and he again stated that it is relationship driven and that kids learn better from someone they trust and know. He added that kids will get to know and trust new teachers but that takes time and they will lose this time as well as the time it may take to get all students on the same page with the curriculum. He concluded that it was a better option than livestreaming and although not great it was workable. Ms. Ritter was asked to speak about the challenges that the special needs students may face with the in person and virtual model and she stated that those who are still virtual are having a more difficult time keeping up as they are struggling to access the materials they need on Canvas and some teachers are struggling without the assistance of the instructional aides. She was next asked how things were going with Canvas and Ms. Ritter advised that it was a beast and that teachers were devoting a lot of hours to learning the system but that they will figure it out and they understand why it is being used. Discussion continued on what could be done to provide assistance to teachers and also help those students who choose to transition back into school and those that choose to remain virtual. Mr. Miscavage stated that they need it all in order to make this work and he added that the SFEA had offered to meet with the entire board but were only offered a small snippet of the board to meet with. He commented that right now we have a plan that administration and SFEA does

not support and that possibly if a meeting had taken place this conversation would not be happening now. Mr. Miscavage again stated that they do need it all but that in the end it still may not be good enough. Mrs. Zasowski disputed this and stated that the Personnel Committee was agreeable to meeting with the SFEA Representatives but that SFEA did not want to meet with the Personnel Committee. She asked that all of this be put aside as they need to work together to move forward and make this work. Dr. Goodin was asked about putting forward a plan that was not supported by the administration or SFEA. Dr. Goodin responded that he was directed two weeks ago to take his administrative team and come back with a plan for a virtual option and an in person option. He added that the opposition to this has not changed and that neither SFEA nor the administration ever supported a virtual/livestreaming option but that seems to be the plan that they have been directed to do. Dr. Goodin was asked to think outside the box and that there may be other options that may have not been considered to which he responded if you want a virtual option then there is no other way it has to be done this way as presented. Mrs. Zasowski asked that SFEA please reconsider this and talk about it and she also asked that they reconsider meeting with the Personnel Committee or find a way to communicate with them.

Dr. Goodin continued with his presentation and spoke about the future plans for after the second marking period if Spring-Ford remains in the low transmission category for the final 4 weeks of that second marking period then the recommendation will be to return to full in person learning and the elimination of virtual learning. He provided a financial update of items needed for the implementation of the plans presented. He discussed the next steps which included the need for a motion to approve the new spending as outlined on the financial update he just provided. He added that the district will also need to send and review both the family and staff commitment as well as review the GANTT chart. Dr. Goodin went over the timeline moving forward for the time period starting now through February 1<sup>st</sup>.

**B. Dr. David Goodin, Superintendent,** to provide an update on the Return to In-Person Learning Plans for All Students.

Mrs. Zasowski asked that the meeting recess for a quick break. The meeting recessed at 11:00 PM and was called back to order at 11:11 PM.

#### **IV. ACTION ITEM**

Mr. DiBello made a motion to approve Item A and Dr. Wright seconded it.

Mrs. Fazzini commented that she believes the board should move forward with the in person learning with the virtual option for grades K-6 and then possibly look into a hybrid model that would be supported by the administration and teaching staff for grades 7-12.

Discussion took place on the potential options for a hybrid model for grades 7-12 and allowing administration in conjunction with SFEA to explore this further.

Dr. Wright felt the motion as written was broad enough to allow administration to go back and work to find something that they can bring forward that they support with the input of SFEA.

Dr. Goodin was asked about the timeline needed for this exploration of the hybrid model for grades 7-12 since there was discussion about putting out a survey next week and asking parents for a commitment. He stated that it sounded like he can move forward with the K-6 plans and commitment surveys of families and staff and this was confirmed. He asked if the board was still envisioning a livestreaming option for grades 7-12 and this was confirmed. Dr. Goodin asked if it was the board's understanding that there will need to be some work done with the schedule and this was also confirmed. It was agreed that the K-6 commitment survey would go out this week, Dr. Goodin, the administration

and SFEA would work together to develop the hybrid plan with different options for grades 7-12 which he will present at a special board meeting next week and then the commitment survey for grades 7-12 can go out following all of that. Dr. Goodin again confirmed that the board wanted the livestreaming to be part of the hybrid option and the response was yes. Concern was expressed over the livestreaming option and that not being supported by the administration and SFEA.

The SFEA Representatives present were asked if they could provide their input on what Dr. Goodin was being asked to do with regards to the 7-12 instructional model. Ms. Ritter expressed that they have been given a lot to think about and that what they really want is for everyone to be all in if the guidelines say to bring everyone back in and a cyber option for those who choose not to come in. She stated that for now she believes a hybrid model will give teachers an opportunity to be able to see all of their kids for some period of time. Questions were asked about how to provide education to those students who choose to remain virtual and how to provide instruction to those who are quarantined. It was agreed that administration and SFEA will work together to determine how to provide a virtual model for students that do not want cyber school but are not ready to come back to school.

Mr. Fitzgerald commented that he felt it was important to get one last clarification on what is being done tonight which was approving a return to school on November 12<sup>th</sup> using a blended model. He stated that it would appear from this motion that the K-6 instructional model is based on what was presented this evening. He added that with regards to 7-12, while we are approving a November 12<sup>th</sup> blended model approach, the specifics of 7-12 will be brought back for further consideration next week.

The board agreed to hold a special meeting next Monday for the sole purpose of discussing the instructional plan for the return of students in grades 7-12.

The motion passed 9-0.

- A. The Board approved the option to return students to in-person learning beginning November 12, 2020 using a blended model to also provide a virtual option for those who choose to learn via the virtual platform. All CDC guidelines and state mandates will be followed as best as possible. The present plan will continue to be developed as the District makes improvements. Updates will be communicated via the District Website, District Communications and at future School Board Meetings.

## V. BOARD AND COMMITTEE REPORTS

The Board opted due to the late hour to not give their committee reports and advised that the committee meeting minutes will be posted on the website.

|                         |                         |                                 |
|-------------------------|-------------------------|---------------------------------|
| Student Rep. Report     | Eshika Seth             |                                 |
| Policy                  | Colleen Zasowski        | 3 <sup>rd</sup> Mon. 6:30 p.m.  |
| Curriculum/Technology   | Linda Fazzini           | 3 <sup>rd</sup> Mon. 7:30 p.m.  |
| WMCTC                   | DiBello/Melton/Zasowski | 1 <sup>st</sup> Mon. 7:00 p.m.  |
| PSBA Liaison            | David Shafer            |                                 |
| Legislative Committee   | Christina Melton        | 3 <sup>rd</sup> Weds. 7:30 p.m. |
| MCIU                    | Thomas J. DiBello       | 4 <sup>th</sup> Weds. 7:00 p.m. |
| Superintendent's Report | Dr. David R. Goodin     |                                 |
| Solicitor's Report      | Mark Fitzgerald         |                                 |

**VI. MINUTES**

Mrs. Fazzini made a motion to approve Items A-C and Mr. Jackson seconded it. The motion passed 9-0.

- A. The Board approved the August 3, 2020 Special Board Meeting minutes. **(Attachment A1)**

**New Minutes**

- B. The Board approved the August 17, 2020 Work Session minutes. **(Attachment A2)**

- C. The Board approved the August 24, 2020 Board Meeting minutes. **(Attachment A3)**

**VII. PERSONNEL**

Dr. Wright made a motion to approve Items A-J and Mrs. Fazzini seconded it. The motion passed 9-0.

**A. Resignations**

1. **Kathleen Cox**; Software Specialist, District Office. Effective: November 13, 2020.
2. **Jane E. Ehnot**; Field Hockey Coach-8<sup>th</sup> Grade. Effective: September 11, 2020.
3. **Heather L. Giovagnoli**; Asst. Cross Country Coach-HS. Effective: August 19, 2020.
4. **Elena M. Kinney**; Music Teacher, Upper Providence Elementary School, for the purpose of retirement. Effective: January 6, 2021.
5. **Michele L. Konnick**; English Teacher, Senior High School, for the purpose of retirement. Effective: September 1, 2020.
6. **John A. Kraynak**; Asst. Cross Country Coach-HS. Effective: August 20, 2020.
7. **Deborah E. Malack**; Instructional Assistant, Upper Providence Elementary School. Effective: August 27, 2020.
8. **Marian E. Polto**; Instructional Assistant, Evans Elementary School, for the purpose of retirement. Effective: October 1, 2020.
9. **Christine N. Wike**; Reading Olympics, Oaks Elementary School. Effective: August 31, 2020.

**New Resignations**

10. **Todd G. Bowers**; Math Counts Sponsor - Gr. 8 (1/2 Contract). Effective: September 17, 2020.
11. **Zoe D. Jacobs**; Soccer Coach- Girls'- 8<sup>th</sup> Grade. Effective: September 11, 2020.
12. **Cheryl A. Kramer-Zabrecchi**; Art Teacher, 5/6 Grade Center, for the purpose of retirement. Effective: November 3, 2020.
13. **Ashley E. Kukucka**; Instructional Assistant, Brooke Elementary School. Effective: October 2, 2020.



14. **Diane Obenshine**; Administrative Assistant – Accounting Specialist, District Office, for the purpose of retirement. Effective: August 31, 2020.
15. **Rebecca H. Steiner**; Elementary Teacher, Brooke Elementary School, for the purpose of retirement. Effective: November 11, 2020.
16. **Rose M. Ward**; Field Hockey Coach - 7<sup>th</sup> Grade. Effective: September 11, 2020.

**B. Temporary Professional Staff**

1. **Kathryn A. Beer**; .5 Part-Time Kindergarten Teacher, Limerick Elementary School, replacing Lauren M. Rose who had a change of assignment. Compensation has been set at B, Step 1, \$25,000.00 prorated with benefits per the professional agreement. Effective: September 4, 2020.

**New Temporary Professional Staff**

2. **Ana Karina Clark**; Psychologist, Brooke Elementary School, replacing Nancy E. Quain who retired. Compensation has been set at M+30, Step 2, \$58,856.00 prorated with benefits per the professional agreement. Effective: November 17, 2020.

**C. Professional Staff**

1. **Jayne R. Sherman**; Elementary Teacher, 5/6 Grade Center, replacing Joann N. Sibley who retired. Compensation has been set at M, Step 3, \$52,750.00 prorated with benefits per the professional agreement. Effective: November 11, 2020.

**D. Support Staff**

1. **Debbie L. Boland**; Instructional Assistant, Upper Providence Elementary School, replacing Katie T. Kennedy who had a change of assignment. Compensation has been set at \$16.36/hour with benefits per the Instructional Assistants' Benefit Summary. (Previously Board approved in August. Correction in hourly rate.) Effective: September 1, 2020.
2. **Kathleen M. Kwiej**; Instructional Assistant, Upper Providence Elementary School, replacing Suzann B. Bani who resigned. Compensation has been set at \$17.36/hour with benefits per the Instructional Assistants' Benefit Summary. Effective: September 14, 2020.
3. **Wendy S. Landes**; Instructional Assistant, Evans Elementary School, replacing Robert St. Ledger who resigned. Compensation has been set at \$17.36/hour with benefits per the Instructional Assistants' Benefit Summary. Effective: To be determined.
4. **Michael A. Moyano**; Instructional Assistant, 7<sup>th</sup> Grade Center, replacing Brooke S. Shiflet who resigned. Compensation has been set at \$17.36/hour with benefits per the Instructional Assistants' Benefit Summary. Effective: September 9, 2020.
5. **Charlene D. Strange**; Instructional Assistant, Brooke Elementary School, replacing Cristin M. Arbaugh who resigned. Compensation has been set at \$17.36/hour with benefits per the Instructional Assistants' Benefit Summary. Effective: September 17, 2020.

## New Support Staff

6. **Kyra L. Heiler**; Instructional Assistant, Upper Providence Elementary School, replacing Deborah E. Malack who resigned. Compensation has been set at \$17.36/hour with benefits per the Instructional Assistants' Benefit Summary. Effective: To be determined.
7. **Judith M. Nuskey**; Staff Accountant, District Office, replacing Mary R. Newett who had a change of assignment. Compensation has been set at \$45,000.00 prorated with benefits per the Administrative Support Benefit Summary. Effective: September 28, 2020.
8. **Edward W. Yergey**; Maintenance II, Maintenance and Operations Department, replacing William C. Lewis who retired. Compensation has been set at \$25.00/hour with benefits per the Maintenance Benefit Summary. Effective: September 28, 2020.

## E. Change of Status

1. **Tammy L. Baumeister**; Part-Time (.50) Title I Teacher, Royersford Elementary School, to Full Time Title I Teacher, Royersford Elementary School. Compensation has been set at M Step 4, \$54,673.00 with benefits per the Professional Agreement. Effective: September 1, 2020. Salary and benefits funded 100% through Title I.
2. **John C. Chomyn, Jr.**; Maintenance III to Maintenance II, Maintenance and Operations Department. Compensation has been set at \$27.43/hour with benefits per the Maintenance Benefit Summary. Effective: September 9, 2020.

## F. Tenure Status

The individuals listed below have completed three (3) years of satisfactory service as temporary professional employees were approved for tenure status:

1. **Hannah DeAngelis**
2. **Katelyn A. Sperring**

G. The Board approved **Resolution #2020-27** terminating employee #08430 as presented.

H. The Board approved the attached extra-curricular contracts for the 2020-2021 school year. Payments of extra-curricular stipends shall be contingent upon the reopening of schools and the ability as determined by the Administration to provide such extra-curricular offerings to students consistent with CDC guidelines and guidelines from the Commonwealth of Pennsylvania. The district reserves the right to prorate or not pay stipends in the event of a school closure, school modification, and/or discontinuation of the activity due to pandemic or other events surrounding the pandemic.

\*Designates new additions since the work session. **(Attachment A4)**

## New Personnel Motions

### I. Leave of Absence

1. **Krista M. Mansfield**; Elementary Teacher, 5/6 Grade Center, for a child-rearing leave of absence per the Professional Agreement. Effective: November 3, 2020 through the end of the 3<sup>rd</sup> marking period of the 2020-2021 school year.

**J. Substitute**

1. **Caitlin Asbert**      Office/Clerical      Rate: \$14.52/hour

**VIII. FINANCE**

Mrs. Fazzini made a motion to approve Items A-G and Mrs. Earle seconded it. Mr. DiBello asked that Item G be separated. Mrs. Fazzini made a motion to approve Items A-F and Mrs. Earle seconded it. The motion passed 9-0.

- A. The Board approved next month's payroll, taxes, all benefits, transportation contracts, IU contracts, Vo-Tech payments, debt service payments, utility bills, maintenance agreements, copier leases, equipment maintenance, federal grants, insurance, and discounted invoices.

B. Checks:

- |   |                |
|---|----------------|
| 1. <u>General Fund Checks</u>   |                |
| Check No. 211482 – 211573   | \$ 782,512.26  |
| 2. <u>Food Service Checks</u>   |                |
| Check No. 1965 – 1974   | \$ 1,656.16    |
| 3. <u>Capital Reserve Checks</u>  |                |
| Check No. 2089 – 2090   | \$ 70,358.22   |
| 4. <u>General Fund, Food Service, &amp; Capital Reserve and Projects ACHs</u> |                |
| ACH 202100230 – 202100336   | \$1,880,605.02 |
| 5. <u>Wires</u>   |                |
| 202000022 – 202000030   | \$1,642,604.29 |

C. The following monthly Board reports were approved:

- Skyward Reports
  - Check Register (General Fund, Food Service, Capital Reserve, Capital Projects, Scholarships and Wires)
  - ACH Check Register (General Fund, Food Service, Capital Reserve, and Capital Projects)
  - Wires Register (General Fund, Food Service, Capital Reserve, and Capital Projects)

D. The Board approved the following independent contracts:

1. **CCRN Educational & Behavioral Support Services – Coatesville, PA.**  
 Provide educational and behavioral support services during the 2020-2021 school year for a special needs student as per the IEP. Funding will be paid from the Special Education Budget and shall not exceed \$38,610.00.

**New Independent Contracts**

2. **Personal Health Care, Inc. – Valley Forge, PA.** Provide nursing services for a special needs student during the school day and while being transported during the 2020-2021 school year as per the IEP. Funding will be paid from the Special Education Budget and shall not exceed \$79,380.00.

3. **Education Alternatives for ABA, LLC – King of Prussia, PA.** Provide direct program supervision and direct Applied Behavior Analysis services during the 2020-2021 school year for two special needs students as per their IEPs. Direct program supervision will be provided for up to 14 hours per month for 10 months at a rate of \$100.00 per hour (\$14,000.00). In addition, 7 hours per day for 180 days of direct 1-1 intervention will be provided at a rate of \$37.00 per hour (\$46,620.00). Funding will be paid from the Special Education Budget and shall not exceed \$60,620.00.
  4. **Timothy School – Berwyn, PA.** Provide educational services during the 2020-2021 school year for seven special needs students as per their IEPs. Funding will be paid from the Special Education Budget and shall not exceed \$340,620.00.
  5. **Chester County Intermediate Unit – Downingtown, PA.** Provide school year and related services including 1-1 support services for twenty-six special needs students during the 2020-2021 school year as per their IEPs. Funding will be paid from the Special Education Budget and shall not exceed \$1,093,281.84.
  6. **Montgomery County Intermediate Unit – Norristown, PA.** Provide psychology services for 14 weeks of the 2020-2021 school year due to the overflow of evaluations and re-evaluations that were unable to be completed in the spring of 2020 due to COVID-19. This is an unbudgeted expenditure and will be initially funded from the Unassigned Fund Balance and shall not exceed \$51,775.00. This contract replaces the previously approved (August 24, 2020) contract for the same amount with the Chester County Intermediate Unit.
  7. **Thom Stecher & Associates – Malvern, PA.** Provide Resiliency Services for the 2020-2021 school year including an SEL Virtual Retreat, Student Resiliency Team Meetings, Unity Day (Fall/Spring), Staff Resiliency (HS 10-12) and Student Retreat (Winter). Funding will be paid from the Pottstown Area Health and Wellness Grant and shall not exceed \$13,147.00.
- E. The Board of School Directors gave approval for Fox Rothschild LLP to enter into an agreement for the property located at 1840 Ridge Pike (Condo F) in Upper Providence Township and further identified as tax parcel No. 61-00-04420-00-1 setting the assessment of the property at \$1,602,250 for tax year 2020 (school tax year 2020-21) and setting the assessment of the property at \$1,524,250 for tax year 2021 (school tax year 2021-22) and for each subsequent tax year until a change in the property's assessment pursuant to applicable law.

## New Finance

- F. The Board approved the one-year renewal agreement with School Maps Online of Westminster, Colorado for the continued services of providing the Spring-Ford community with a responsive and mobile friendly online tool that shows attendance boundaries and provides additional school district mapping services as outlined in the contract. Funding will come from the Communications/Marketing Budget and shall not exceed \$2,000.00.

Mrs. Fazzini made a motion and Dr. Wright seconded it.

Mr. Jackson expressed concern over voting on this when he did not feel the board was provided with enough information. Mr. DiBello asked in light of tonight's vote why this was being purchased for K-6 and Mrs. Fazzini replied that it would be for the dedicated virtual teachers. Dr. Goodin added that the main purpose of this motion was for microphones for 7-12 grade teachers. The question was asked as to what teachers had been using and Dr.

Goodin explained that up to this point teachers have been using the microphones on their computers but it was found that the bluetooth microphones enhanced the voice quality. It was pointed out that the motion stated “up to” so it did not mean all 700 were being purchased. Dr. Goodin also advised that in speaking with technology this purchase could be postponed a week until the 7-12 return model had been decided upon.

Mr. Fitzgerald stated that this is an authorizing resolution and he felt the board was okay with how the motion was presented. He added that they are not binding themselves to anything more than what is needed.

The motion passed 8-1 with Mr. Jackson voting no.

- G. The Board approved the purchase of up to 700 Bluetooth microphones from SHI to provide virtual instruction for the K-12 classrooms. Funding will be paid from the Unassigned Fund Balance and shall not exceed \$100,000.00.

#### IX. **NEW CONFERENCE AND WORKSHOP RECOMMENDATION**

Mrs. Fazzini made a motion to approve Items A-B and Mrs. Earle seconded it. The motion passed 9-0.

- A. **Kelly Murray**, Director of Curriculum and Instruction, **Mary Davidheiser**, Controller, **Sue Choi**, Principal, **Mary Newett**, Senior Accountant, **Judith Nuskey**, Staff Accountant, to attend “*PA Association of Federal Programs Coordinators Virtual Symposium*” on October 14 and October 15, 2020. The total cost of this virtual training is \$550.00 (registration). No substitutes are needed.
- B. **Rachel Fine** and **Lyndi Paladino**, School Psychologists, to attend the “*MCIU: Assessment with the WIAT-4*” ½ day virtual training on October 26, 2020. The total cost of this training is \$60.00 (registration). No substitutes are needed.

#### X. **OTHER BUSINESS**

Mrs. Fazzini made a motion to approve Items A-D and Mr. Shafer seconded it. Mrs. Melton asked about Items B and C wondering if the board would have to be given a whole new listing of drivers and routes once everything is done. Dr. Goodin replied no.

The motion passed 8-1 with Mr. Jackson voting no.

- A. The Board approved the “Revised” PDE mandated Athletic and Marching Band Health & Safety Plans of the Spring-Ford Area School District for the 2020-2021 school year originally approved at the June 22, 2020 Board Meeting and posted on the district’s website. The plan proposed herein shall serve as local guidelines for the return to activity for athletics including the marching band following the COVID-19 closure. Revisions appear in red and are a result of the Athletic Department and Marching Band making the transition from voluntary open gyms/workouts to in-season practices and competitions. **(Attachment A5)**
- B. The Spring-Ford Board of School Directors acknowledged receipt of the updated listing of school bus drivers for the 2020-2021 school year effective August/September 2020 as presented.
- C. The Spring-Ford Board of School Directors acknowledged receipt and gives approval for the Spring-Ford Area School District’s transportation routes for the 2020-2021 school year as presented.

D. The following policies were approved:

1. Policy #103 – PROGRAMS: Discrimination/Title IX Sexual Harassment Affecting Students (**Attachment A6**)
2. Policy #104 – PROGRAMS: Discrimination/Title IX Sexual Harassment Affecting Staff (**Attachment A7**)

## **XI. BOARD COMMENT**

Eshika asked if the student representative had to report since they are not a committee but more of a position and Mr. Jackson replied no.

Mrs. Zasowski commented that she would like the board to consider holding a retreat and that Mrs. Fern had sent out some dates to see who may be available. She stated that she believes there are enough of them available on November 7<sup>th</sup> to move forward with setting this up. She asked if a motion was necessary and Mr. Fitzgerald replied not to set up the date for the retreat. Dr. Goodin advised that if Mrs. Zasowski planned on having a facilitator come in to conduct the retreat then any cost for that service would require board approval. Mr. Jackson expressed his opposition to spending any money for this. Mrs. Zasowski said a decision was not needed tonight but she would like every-one on the board to consider this idea. Mr. Jackson stated that the dynamics of the board is what it is as they come from different professional backgrounds, they are in different phases of life and that there are some strong personalities and although he may disagree with people he still respects them. He commented that he thinks the retreat is a nice idea but that they need to remain who they are. Mrs. Zasowski stated that she felt they should be recognizing the strengths and weaknesses of each other and build from that point. She added that it is one morning and if he wants to come that would be great but if he does not then she respects his choice not to attend. She asked him again to give careful consideration of this event.

Ms. Sullivan commented that she wanted to clarify from the last meeting that where it is correctly mentioned that she arrived late at 8:30 that she thinks it is only fair for the public and board members to understand that it was her grandson's 16<sup>th</sup> birthday. She stated that she missed the first part of the meeting for a family event and added that she is normally not late and her late arrival was not due to negligence.

Dr. Goodin advised that the Upper Providence Township was moving forward with their plans to put in a traffic circle at the intersection of Vaughn and Lewis Road and they would like a simple letter of support from him indicating that we think it is a good idea. Mrs. Melton stated that this was discussed previously and at that time they came to the conclusion that it was outside our scope and has no impact on us as a board perspective. Mr. Jackson asked if it would impact any of our routes and Dr. Goodin replied no. Mr. Shafer stated that when they do this it will impact our routes so hopefully we can strongly advise that the work be done in the summer months. Mrs. Earle relayed that she grew up in New Jersey where there are tons of circles and they have tried for 50 years to get rid of them because they are absolute death traps and are not efficient. Mr. Fitzgerald clarified that the direction from the board is that they are not supporting it but want to voice concerns from an operational perspective about when the construction would occur.

## **XII. PUBLIC TO BE HEARD**

**Michael Lebieczinski, Royersford**, stated that he felt the point of cases versus infections was getting lost and why this is really important is because all of the decision making and the aids emanate from cases. He provided an example of going to Applebee's for lunch and has one twelve ounce beer and then drives home and is pulled over by a Limerick Police

Officer who administers a breathalyzer test/blood alcohol test after 12 ounces of alcohol and declares it is a positive test and he is being arrested. Mr. Lebie dzinski stated that this does not happen because there is a quantitative measure and a specific threshold of .08% that determines impairment established by the government. He said this is why it is important to get the cycle threshold from the labs which they measure and track but is just not provided to the physicians. He stated that this board should demand that any positive tests that affects this district include the cycle threshold and said it is for same reason whys if you were pulled over for drinking you would demand the results of the blood alcohol test; not just if it was positive or negative but the cycle threshold. Mr. Lebie dzinski commented that you cannot treat all cases the same because if it takes 40 amplification cycles to detect SARS-CoV-2 so you are not transmissible, you are not infected and you do not need to do contact tracing. He asked that the board understand this point and stated that Ms. Masters inflated cases with infection several times over the meeting by interchanging cases and infections which is not the case. He said a case simply means that you had SARS-CoV-2 but does not mean you were infected or can infect other people. Mr. Lebie dzinski stated that the board has the power to mandate the amplification cycle B for any positive tests. He added that Pennsylvania is the third safest state in the United States for returning kids to five days in school as judged by a panel of epidemiologists and public health officials. He advised that 0 people under the age of 36 have died in Montgomery County out of 880,000 people, 0 children under the age of 19 have died out of the entire state of 13 million people. He said when you are looking at risk you have to look at the numbers and stop ignoring them. He reported that schools in New York have been open for six weeks with very limited infections.

**Jonathan Cooper, Royersford**, thanked everyone for their time tonight and is grateful for the teachers who came tonight to speak. He expressed that he was discouraged ahead of the meeting recess that members of the board did not prioritize a meeting with the teacher's union. He stated that he understands that these are unprecedented times and that there was an offer to meet with the Personnel Committee but felt that because these are unprecedented times it is all hands on deck. Mr. Cooper said it is unfortunate that it has taken until now and he liked Mr. Jackson's comment that he is going to call every day to make sure that everyone is at the table. He stated that he hoped that on Monday we see something different. Mr. Cooper lastly commented that whether there is a board retreat or not he wanted to say as a taxpayer and parent in the district that it is evident that there is more than disagreements over differences of opinions as there are members of the board who voted for the mask policy at the start of the meeting and then did not adhere to it during the meeting. He added that there is a member of the board who packed up his materials during the superintendent's presentation which does not bode well and if you are looking to set a precedent then he would ask that they all park their differences and side comments such as referencing the teacher's union as the peanut gallery. He urged the board to come with solutions and stated that he appreciates their time and looks forward to Monday's conversation.

**Annie Schlichter, Spring City**, thanked the board, teachers and Dr. Goodin for a great presentation and everything they are doing. She stated that her main concern is not having a good virtual option if she chooses to keep her child home rather than them being in school. Ms. Schlichter commented that as a parent of a child with an IEP she does not want to feel like because she feels it is safer to be at home than in school that he will be neglected. She stated that she felt the only way to make it work is continuing to stay home virtual in order to assure each student is properly seen and questions are being answered or by having each class co-taught for all grade levels. She expressed that she felt that at the elementary level for students to have to change teachers is discouraging. Ms. Schlichter indicated that she was discouraged when the teachers spoke saying she could hear the heartbreak in Ms. Ritter's voice and their speaking out saying virtual and in person is not going to work. She added that the teachers are going to be working extra hard and it is going to be difficult for them and the students. Ms. Schlichter asked if there would be pay raises. She stated that she would have loved to hear

more from Mr. Miscavage as she feels he was cut off. She added that using the term peanut gallery for our teachers is very disheartening and does not make her feel good as a community member of Spring-Ford.

**Abby Dierdorf, Royersford**, stated that over the past three months watching these meetings, she has become more and more disheartened by the disrespectful behavior of certain school board members. She said they disrespect each other, the students, the teachers, the superintendent, the administration and the parents who spend time in these meetings. Ms. Dierdorf commented that it has been said before that the name calling of the SFEA tonight is just embarrassing. She added that they can disagree and they can have different opinions but they need to model behavior, model professionalism, civility and how to wear a mask. She asked how she can trust sending her child to school when they cannot even wear a mask appropriately or those sitting in the room cannot do it either. Ms. Dierdorf again stated that it is disheartening and added that they disrespected the CHOP doctors and the Montgomery County Health Department. She commented that SFEA cannot stand behind this virtual plan because it is not going to work and at some point, even as a mom who wants virtual, if you can't do it then you can't do it. She said we need to know that there is nothing we can do to plan with this pandemic. She urged them to call it and say the virtual plan is not going to be good for 7-12 and we just cannot do it. She asked that the parents be informed so that people can start making options, people complain that there is no plan as this keeps going on and on and on. She pleaded that they make decisions and make forward progress. She added that she has had enough of this and she knows a lot of people feel the same way.

**Venkat-Priya Parigi, Collegeville**, thanked the board for all the time they put in with the late nights on Mondays. He commented that as everyone knows there are 33 million people worldwide that have tested positive for the disease and over 1 million people have died. He stated that today, with total disregard for the safety that has been talked about for so long, you just voted to get kids back into school. Mr. Parigi said he has two kids and it is very appalling to see the total disregard for that. He commented that ultimately one thing they need to consider is that yes, it is great to see kids in school and hoping that things are going to calm down but at the same time you are actually creating a risk of infection multiple fold because the exposure to students is enormous. He asked how they can expect kids to wear masks when they can't even wear them here. He asked how this will be enforced and policed. Mr. Parigi commented that the teachers are so adamant and complaining about being able to give kids attention in class plus also the virtual students. He stated that there is so much technology out there as it is 2020 and there is enough information out there as well as free stuff and technology which you can actually very quickly implement and provide support both virtual learning and adolescent class learning. Mr. Parigi said there were a lot of companies across the world that do virtual classrooms where the cameras follow the teacher so you do not have to do much as it is all integrated. He added that no one has looked for one single solution that is best for the teacher and also good for the students. He stated that the students will adapt quickly but he is sure that it will take a lot of input from the teachers to put videos and do all of the virtual lessons for them as he understands all of the complexities there. He advised that he is appalled as to why that has not been taken into consideration to make their life easier also and in spite of Canvas everybody complains that it is very glitch and he just does not get why no decision is being made. He expressed hope that he will see changes and hopes to see a good in class as well as a virtual option for every parent in the school district.

**Alison O'Brien, Collegeville**, asked what happened to the hybrid option as that was not discussed at all tonight and she was wondering if this was still an option being discussed for K-6? She felt this would be a perfect way to keep the kids more safe than a full reopen would keep them. She stated that she felt more information needed to be given to parents before you ask them to make a binding commitment as to whether or not they will be sending their child back to school for in person or virtual. She indicated that she has a lot of questions such as if



they start virtual can they switch to in person or if they start in person and feel uncomfortable can they switch back to virtual learning? She asked if classes and teachers will change again in February if all students are going back and virtual is eliminated, if classes will need to be re-shuffled again and will students get different classmates and teachers? Ms. O'Brien stated that parents need more information so as to make the appropriate decision for their children and she hoped that this would be taken into consideration before sending out a binding survey. She added that she agrees with the previous comment with how can they ask children to wear masks and plan to enforce that when there are several adults at this meeting who are not wearing their masks, are taking them off and wearing them below their noses so how can we ask the youth to wear them properly and to wear them all day? Ms. O'Brien commented that she thinks it is very sad and discouraging to know that if parents decide to keep their child in virtual school learning that they will lose their teacher as a bond has been created in the short amount of time. She asked that all of this be taken into consideration.

**Jordan Stokes, Phoenixville**, thanked everyone for their time and efforts. He said that he wanted to echo what the last caller said about the hybrid model for K-6 and stated that over the summer when all of the models were being discussed that one seemed to be the best but it does not seem to be part of the conversation any more. He commented that if it is not being considered he would like possibly at the next meeting to clearly explain why the hybrid model is no longer an option that is under consideration.

**Patty Mosciarella, Collegeville**, expressed concern with tonight when the teachers started talking that it now appears we are moving away from having virtual synchronous learning. She stated that the concern is that if your child is back in school in 12<sup>th</sup> grade taking a bunch of AP and honors courses and they get exposed but have no symptoms that they will have to go 24 days with asynchronous virtual learning. She expressed hope that all of this will be taken into consideration in the next week when redoing the plans for the high school ages. Ms. Mosciarella felt that it needed to be taken into account that the kids won't learn these difficult courses and do well in them, which will help them in college as well as help the district, if they are not being taught in some sort of live way.

**Rachel Kornoski, Royersford**, stated that it was very disappointing to her, as she has two children in K-6, to find out tonight that with the choices made there is a potential for her children to now have different teachers. She stated that she chose virtual instead of cyber because she did not want this to happen. She added that she did not want her children to start a school year with one group of teachers and then have to transition to a different set of teachers. Ms. Kornoski advised that this happened last year to her now sixth grader and the adjustment period for him was a nightmare because he had a teacher assigned who then could not come to school so he had a temporary teacher and then he had another teacher. She stated that the choice that she now made, that she was told choose this option if you wanted to be assigned to a home school teacher that your child will eventually have when they return to the building, has now possibly gone away and this is beyond disappointing to her. Ms. Kornoski relayed that it is not disappointing that her children will go to school but it is disappointing that there is a lot of unknown at this point as to who their teachers will be. She stated that the second point she wanted to make that is even more disappointing is that she has been on these calls for months and has said nothing but she has heard many board members continually ask where are the teachers on this and has anyone talked to the teachers. She commented that the teachers were there tonight and it did not sound like the board was listening to them as they over and over expressed what will work and what won't work and the constant response back to those teachers was what will you need to make "this" plan work. She added that "this" plan didn't work and they tried to tell you so clearly constantly asking where the teachers were never really mattered and you have made that crystal clear. Ms. Kornoski stated that she respects the teachers immensely and her children's teachers are doing an amazing job. She added that for all of the talk of respect for the teachers we need to walk the walk and not just talk the talk.

**William Culp, Schwenksville**, said he is a parent in the district as well as a teacher and he appreciates hearing the board members say to ask the teachers what they want and what they need. He stated that in any type of situation when you are talking about education, he feels that you should go to the professionals and the professionals are teachers. Mr. Culp commented that he felt that any time you are making up a plan, any type of plan dealing with school, you ask your teachers and you ask the professionals. He gave an example saying if he was building a hospital and needed the materials to do that then he would ask people in the hospital and not teachers. He felt that this was important that the board follow through with this. He added that in real estate when you look to purchase a home in the district, the first thing they tell you is that it is Spring-Ford School District. Mr. Culp said that one of the things that makes the school district so great are the professionals, the teachers, so he feels that it is vital the board goes to them and asks them what their plan is. He commented that there is no 100% proof plan and you have no shot of pleasing everybody but he feels the best plan is going to the professionals.

**Heather Staley, Spring City**, commented that she has spoken several times and that she is a paramedic and an infection control officer. She said it was great to hear from the nurses and what their plan is and that they do have some training. Ms. Staley stated that it was very disturbing to her this evening when the teachers spoke as they have asked as parents and as a board on several occasions and maybe there was a scheduling issue between the teachers and the board or possibly the teachers union did not like who the board members were that they were going to meet with. She stated that the only way they are going to help students is if everybody works together. Ms. Staley commented that the other thing that disturbs her is that people keep thinking that because people who want their kids back in school for emotional reasons, support reasons, social reasons or whatever reasons there may be that we are lessor than they are. She stated that she wants everybody to have a choice; however we all have to give. She added that not one plan is going to be perfect; not for the teachers, not for the students and not for the parents. Ms. Staley advised that one thing she has learned working in EMS and fires is that you have to adapt and overcome which she is not hearing a lot of people willing to do that as they want this and they want that and they have all these demands. She urged everyone to come together as they need to discuss things and act like adults and not name call. She said she gets upset with a lot of callers who come on here and attack as nobody wants anything more than for their kids to have what we as parents feel they need. She expressed thanks for trying to have a plan and said she understands that it may not be perfect but she is very happy for the first time that they have seen a plan as she has been on Zoom calls for at least the past six months and this is the first time she felt that some progress was made.

**Liz Kepner, Collegeville**, thanked the Spring-Ford teachers for their organization, preparedness and unbending dedication to the students as this has been a wonderful experience for her three kids who are finally happy to be back in school with teachers and friends. She stated that she is happy that the board and everyone involved is finally looking at the differences between K-6 than 7-12 as they are two separate beasts that require different actions as seen tonight. Ms. Kepner expressed concern with what has been mentioned before with switching teachers in the K-6. She said she understands that there will have to be some give and take but there are relationships that have been built with the teachers at the young ages when students decide whether they love school or hate school. She added that great relationships with their teachers makes for students who want to learn and become happy lifetime learners. Ms. Kepner said she just wants to make sure that the K-6 students will still have a teacher that is from their home school if they choose to be virtual. She provided the example of an Oaks student who has an Oaks teacher and not a teacher from another elementary school or a recently hired substitute who hasn't even worked with Canvas. She added another example saying a kindergarten student an Oaks has a teacher for marking period one, then for marking period two they are going to get a new teacher and then when we all go back for marking period three they are going to get a third teacher if they are not from their home schools which is crazy and way too disruptive for young children who thrive on routine and need strong relationships

with their teachers to succeed. She asked that everyone be aware that kids are resilient but they also have feelings that need to be respected.

**Wendy Campo, Schwenksville**, stated that she has been watching like many others for a long time with the board meetings and she honestly cannot believe that we are not further along in the process of trying to get the students back into school. She said a lot of the districts around us have come up with plans whether it is in two days and out three or six day schedules whether in two, out two, in two so that everybody keeps the flow. Ms. Campo commented that you have people already going back to school and staggering the different grades to come back in and stated that she felt that we are waiting, waiting, waiting and now there is November 12<sup>th</sup>. She added that she feels that the more we wait to get our students back in the more risks we are going to have of coming in with flu season and not being able to determine who has the flu, who has COVID and who has a cold. Ms. Campo felt that the sooner we can start getting different grade levels back into the classroom then that will be a lot better. She asked that the board listen to the teachers as William Culp had said and she also feels that it is very important to go to the professionals and hear what they need. She said she really feels as if several times she has walked in where students had their cameras off possibly more at the upper grade levels and at this time and period we really need the students and teachers to be connecting and she does not want it to be, if and when they do go back to school, that the teachers cannot put a name with a face. Ms. Campo commented that she really feels it is important that cameras are on, that students are more engaged and not sitting there texting or playing video games. She stated that she feels this is important and that the respect should be there for the teachers as well.

### **XIII. ADJOURNMENT**

Mrs. Melton made a motion to adjourn and Mr. DiBello seconded it. The motion passed 9-0. The meeting adjourned at 12:17 AM.

Respectfully submitted,

Diane M. Fern  
School Board Secretary

**PUBLIC COMMENTS SUBMITTED DURING BOARD MEETING 09-28-2020**

**Deb Miller 9/28/2020 9:03 p.m.**

This speaker is a waste of time. What is the purpose.

We need to hear dr goodin plan. Why would she be placed before the plan.

Please stop wasting time with outside speakers as it isn't helping 6 months into this and many months into green phase.

It's 9 pm and we haven't gotten to goodins plan.

On August 3, 2020 the Special Board Meeting of the Board of School Directors of the Spring-Ford Area School District was called to order at 7:30 p.m. in the cafeteria of the Spring-Ford High School with the following in attendance:

Region I: Wendy Earle, Linda C. Fazzini and Dr. Margaret D. Wright  
Region II: Clinton L. Jackson and David R. Shafer  
Region III: Thomas J. DiBello and Christina F. Melton  
Presiding Officer: Colleen Zasowski  
Assistant Superintendent: Robert W. Rizzo  
Chief Financial Officer: James D. Fink  
Solicitor: Mark Fitzgerald, Esq.  
Student Reps.: Eshika Seth

The following Board Member arrived late: **Diane C. Sullivan (arrived at 8:30 p.m.)**

## **ANNOUNCEMENTS**

Mrs. Zasowski reminded everyone of the purpose for this special board meeting and the process for public comments.

- I. **PUBLIC TO BE HEARD ON AGENDA ITEMS ONLY** This comment only section will be capped at a time limit of **60 minutes** with each speaker being allotted **2 minutes** to comment on an agenda item only. If time does not permit you to comment, you can email your comments to [BoardComment@spring-ford.net](mailto:BoardComment@spring-ford.net) and your comments will be reviewed and included in the official board meeting minutes. (The purpose of this is to allow the Board to move onto the voting section of the meeting.)

Mr. DiBello asked how many people were waiting outside and Chief Boyer replied approximately 15. Mr. DiBello made a motion to allow those people outside to come into the meeting, without their signs and under the order that they socially distance and are not disruptive. Mr. Jackson seconded it. Discussion took place on the 25 person cap for indoor group meetings as ordered by Governor Wolf. The motion did not pass by a vote of 2-6 with Mr. Shafer, Dr. Wright, Mrs. Zasowski, Mrs. Melton, Mrs. Fazzini and Ms. Earle voting no.

**Roland Olsen, Collegeville**, expressed his frustration with last week's vote to open in red as he felt that there was no representation from the Board or Dr. Goodin and zero debate prior to the vote taking place. He felt that the Board was not acting on behalf of the parents and students. Mr. Olsen informed the Board that a parent and student group was forming called SF Community Back-in-School Council. He invited the Board, administration and teachers to participate in this group. He also advised that they will be inviting local business leaders and institutions that have operated successfully against COVID. Mr. Olsen stated that the mission is to put the district back in school as soon as possible for anyone who wants to attend along with

the teachers who want to be there. He read a list of items the council would like to see done which included immediately approving fall extracurriculars, ordering PPE items as required by staff, protective shields for bus drivers, an opportunity to select administrators and teachers to serve on the council and an opportunity to meet weekly with the Board and administration. Mr. Olsen read the Board's Code of Ethics and stated that they are asking that an agenda item be added for tonight's meeting for approval of the Board of Council's requests.

Mrs. Zasowski responded saying she is speaking as one Board Member saying they have been transparent in the decision making process and they have involved the public input, debate and deliberation. She stated that they will stick to the process and move forward with the outcome hoping to get everyone back to school as soon as possible.

**Mary Jo Mcnamara, Royersford**, commented that the Board voted 9-0 against in-person schooling with zero debate and no one defended their position with any facts or data and no stated justification. She stated that she would like to understand the factual information upon which each Board Member made their decision. She asked that they provide the survey results to the public. Ms. Mcnamara asked what impact rising drug and alcohol abuse, suicide and mental illness had on the Board's vote. She added that she felt they collectively took a group of students that were at no risk and now put them at risk. She commented that the Board's primary mission is to serve the student body and they have made a decision to keep the students out of school in direct contrast to the many health organizations opening plans for fall. She felt that it was fear based decisions which led them to where they are now.

**Alicia Terrizzi, Pottstown**, commented that she did not agree with the red plan instructional learning for grades 7-12 as it was basically two 45 minute sessions each week with their teacher and she did not feel this would set the kids up for success. She felt that as a teacher she would want to have contact with her students every single day. Ms. Terrizzi suggested that teachers record their live sessions so that students who want to do class on their own time can do that. She asked for reconsideration on the amount of live time teachers will have with their students during the daily schedule. She asked that fall sports are not cancelled especially for the seniors.

**Bryon Jones, Limerick**, encouraged the Board to look closely at the schedule outlined for students in grades 7-12 as they will only be receiving two 45 minute sessions of live instruction weekly for each subject and stated that this is not enough. He commented that for those 7 and 8 grade students taking algebra and introductory foreign language classes, two weekly sessions is inadequate to prepare the students for subsequent forces that build upon the foundation of concepts learned in these classes. Mr. Jones stated that he also thinks about the juniors and seniors taking AP classes with the hope of passing AP Exams for college credit and stated that 90 minutes per week of live instruction would put our students at a significant disadvantage compared to other districts that will be offering in-person instruction or five days per week of virtual instruction. Mr. Jones expressed his lack of confidence in the administration's ability to manage through this pandemic and felt the Board needed to step in and insist on live instruction for students in grades 7-12 mirror what would occur if students were physically in the classroom. He stated that he supports the administration's recommendation to approve the extracurricular contracts but did not feel they should be contingent on the opening of the buildings.

**Meg Kyle, Collegeville**, commented that according to the sample schedule sent out by the district, grades 7-12 were only receiving 45 minutes of instruction 2 times per week per class

and she felt this was very limited synchronous instruction. She also stated that at grade 6 the schedule shows 45 minutes per day per subject. She expressed hope that the schedule for grades 7-12 can be reevaluated. Ms. Kyle commented that she felt the district definitely needed to bring back sports and added that kids need a safe space to be able to participate in clubs, activities and sports which she felt the district has the means to do this in a safe environment. She stated that she hoped the Board would agree with the PIAA's determination to hold sports as planned. Ms. Kyle indicated that she had looked at sample schedules posted by neighboring districts and those schedules had a lot more time dedicated to synchronous live learning and she felt the district will be doing the students a disservice by not providing enough synchronous learning in grades 7-12.

**Joy Crowle, Collegeville**, stated that she felt the district wasted 4 months of planning due to someone allowing the purchase of PPE supplies to fall through even after a Board member asked if this was covered. She felt that grant money should not have been used to purchase PPE supplies if it was a must-have for schools to in the green and yellow phase. She added that there should not be any reason why students and teachers should not be online for a normal day with students seeing teachers and teachers seeing students. Ms. Crowle asked why there was no instruction on Fridays and felt that students were not going to be receiving the education that Spring-Ford is known for. She felt that other districts were getting this right and asked that the district go back and get a virtual online live plan that benefits the students and gives the taxpayers what they are paying for.

**Liz Flad, Limerick**, commented that they are talking about extracurriculars but band is not an extracurricular but rather a major that students chose to be in now and possible in college. She felt it was much more important than some other clubs such as chess. Ms. Flad stated that there are parents who offered to chip in on items needed to hold band such as a porta-potty so that students can participate and practice outside which is where they should be.

**Jill Schadler, Royersford**, stated that she has listened to every Board Meeting and parent comments and felt compelled to call in on the lack of a plan she has heard to date as well as the proposed schedule for grades 7-12. She commented that she did not feel there was a vote at the last meeting as there was no choice for the Board to make other than the one they did and therefore parents were left with no choice. Ms. Schadler advised that she reviewed the schedule for her 8<sup>th</sup> grade students and found they would be receiving 1/3 the teacher interaction compared to what they would get if they were in school and expressed concern that her children who are good students would become poor students. She stated that she is even more concerned for parents of students who struggle and questioned what may happen to them with 1/3 of interaction time. She asked that the Board step up, step in and push the school's administration on a plan for virtual instruction that will look much more productive for students.

**Phil Rush, Royersford**, commented that he was surprised at how little synchronous platform instruction is being provided and said he agrees with many of the speaker that this needs to be improved. He encouraged the Board to allow extracurriculars to continue and felt that it was sad that the district was opening in the red phase. Mr. Rush stated that he was blindsided last week with the vote and felt that he needed his voice to be heard.

**Kate Doyle, Collegeville**, stated that by opening the school year in a 100% virtual settling the district was ensuring the safety of not just students but also the dedicated teachers and staff.

She commented that last week there was discussion on teachers being allowed in the buildings and stated that she felt it was useful to allow teachers who prefer to work in their classroom during the school day in the virtual setting she felt that it should not be required. Ms. Doyle asked that the teachers and staff be trusted to do their job effectively from the location of their choice as some are in a high-risk category and others may have at-risk family members who should avoid contact with others as much as possible. She added that requiring staff to attend in-person only compounds already complicated child care issues.

**Kim Huston, Royersford**, stated that she would have hoped that before a decision was made last week on how the district was planning to open, that the Board and administration would have shared the survey results. She expressed her hope that this information will be made public. She commented that she also hoped that parents would have been given a choice based upon these results. Ms. Huston stated that since the district is now in red due to a lack of cleaning supplies she is confused as to how 6<sup>th</sup> grade can have more hours of live instruction which is 3 hours per day plus when you add in the teacher's daily office hours is 4 hours per day when the schedule for 7-12 only provides 10 ½ hours per week with Fridays pretty much being a day off. She questioned how students who take honors or AP courses are supposed to learn the same amount of material as other kids in other districts without being given the live instruction. She stated that the only option right now is to send her kids to a private school. She pointed out that Norristown is able to provide 5 days of synchronous learning for their block scheduled classes and said she does not understand why Spring-Ford cannot provide more synchronous hours of instruction. She asked that the Board and administration go back and revisit their decision on the proposed red schedule for grades 7-12.

**Hope Bodenschatz, Royersford**, urged the Board to follow Dr. Goodin's recommendation to open school in the red phase and still allow for extracurriculars. She stated that many club programs are successfully running and with precautions being taken there have been no issues. Ms. Bodenschatz added that many athletes work a lot harder at their academics in order to keep their athletic eligibility and she felt that by removing athletics would remove their motivation for academics. She stated that both Governor Wolf and PIAA have stated that athletics could proceed under certain guidelines. She asked the Board to consider that for the seniors there is no next year and these students have already been impacted by the lack of ability to take SATs, tour college campuses, attend open houses as well as the cancellation of athletic recruiting events in addition to losing their first year as a senior and homecoming events. She asked the Board to keep in mind the mental well-being of students is greatly impacted by extracurriculars. Ms. Bodenschatz pointed out that since the district will be opening in the red phase students would not have any interaction with anyone outside of their teams so there is not a concern that a student would contract the virus at a game and then be around the student body the next day in school. She added that since sports are voluntary any parent who is not comfortable can choose to not have their child participate. She stated that her understanding is that we are starting in red due to not being ready to start school on-time and needing the first quarter to finish preparing so it should not be a problem with continuing athletics as they have been ongoing without issue up to this point.

**Christine Grines, Royersford**, asked where the survey results were and felt that the public had a right to understand what those survey results were. She spoke of Dr. Fauci and his statement that schools and college campuses should be okay to open as long as we proceed with caution. She stated that there are two big reasons why schools should go back in person and they are that students need the psychological and nutritional benefits of being in school and parents may



have to dramatically modify their work schedule. Ms. Grimes asked what the district will do to reassure the public that it is moving towards the green phase and that this is sincerely the goal as she does not get this impression from anyone on the Board. She spoke of the senior class missing out on so much and stated that this is their year and this is it. She suggested that if one class could be brought back to school to do this the right way then the seniors should be allowed to come back. Ms. Grimes added that SATs are scheduled for August and September and stated that they darn well better happen as the superintendent and the Board have the ability to make it happen.

**Brittany Mik, Schwenksville**, stated that out of respect for the students and staff, it should not be a requirement but an option for teachers to teach virtually from their classrooms. Ms. Mik said that many staff members are parents themselves either in this district or in surrounding districts that have also made the decision to return virtually which puts them in a desperate situation of trying to figure out child care options while also ensuring that their own children are getting all they can from their virtual education. She felt that if going into a brick and mortar school was a requirement many teachers will be requesting the emergency family and medical leave which is part of the Family's First Coronavirus Response Act. Ms. Mik stated that having a lot of teachers out on leave will leave Spring-Ford with the responsibility and cost of finding available substitutes as well as the job of training them on Canvas which will be a detriment to the students. She added that students need to be taught by the outstanding staff who rose back up in March and took on the task of virtual teaching. She stated that while most teachers would prefer to teach from their classrooms, they should be given the option to choose from where they will virtually teach. She commented that the only goal should be to provide consistency to the students and this will only happen if the students are taught by the incredible Spring-Ford staff.

**Jeanette Teets, Schwenksville**, asked for clarification on why the term soft-red opening was being used as the county is not in red but in green. She stated that she believes there should be appropriate precautions taken. Ms. Teets commented that she felt parents had the right to know what the survey results were. She added that she is considered an essential worker as a health care worker and as such she needs to show up and do her job. She stated that she understands that everybody has child care issues but school was to open in August and she is unsure why that clarification all of a sudden is creating a problem for everyone. Ms. Teets added that she feels sports is essential as well as band and all extracurricular activities in all of the children's lives. She stated that practices are taking place now, other leagues are playing games, parents are abiding by the rules, socially distancing and wearing masks and she feels that all of the parents would make tons of accommodations so that the children can get back to some normalcy. She asked that the Board not underestimate the impact this has on the mental health of all of the children. Ms. Teets urged the Board to read the science and the regulations from the CDC to familiarize themselves with the facts as we are in green.

**Ruth Hanson, Schwenksville**, commented that when Governor Wolf announced his strategy for reopening Pennsylvania, he sent out very specific metrics that each region would require to move from red to yellow to green. She asked what milestones must be met for the district to move from red to yellow to green. She stated that what she heard at the last meeting was that the district would open in red and see how it goes but she felt that there should be specific milestones. Ms. Hanson asked what it would take for Spring-Ford staff and teachers to be comfortable interacting with the children. She asked that specific measurable goals be provided that when met will allow us to move out of the red phase. She stated that students and families have

a right to know when they can expect a better educational experience and not be left in limbo indefinitely. She reiterated a request to provide in-person instruction to at least the special needs students at the very beginning of the year or at the very earliest time possible.

## II. PRESENTATIONS

Dr. Murray, gave update on red plan which included changes made from last week's meeting. She advised that an Operations Team was set up to operationalize the red plan. Dr. Murray reported that the contract with Canvas was finalized and spoke of the professional development that will be provided for teachers which included the option for a flex-day. Dr. Murray provided information and an update on the status of the deployment of district devices and advised that students in grades 7-12 will receive a district deployed device while students in grades K-6 will receive one on an as-needed basis. She reported that individual buildings were developing schedules for student supply distribution including textbooks. Dr. Murray next spoke of supporting students social-emotional needs and advised that weekly meetings were taking place with the SEL Task Force as well as weekly subcommittee meetings. Dr. Murray presented on the integration of Spring-Ford's existing curriculum into the Canvas Learning Management System. She showed samples of the daily school schedule for grades K-4, 5-6 and 7-12. Dr. Murray reported that at the secondary level instruction will occur every day for every class with live instruction occurring 2 times per week as families prefer live lessons over recorded lessons. Dr. Murray also advised that the schedule for live instruction will be adjusted to accommodate those students who attend the Western Center.

### **Ms. Sullivan arrived at 8:30 p.m.**

The Board expressed their overall appreciation for the revisions made since last week's but felt that there was a need for more synchronous learning, the ability for teachers to use their lesson plans and determine when synchronous learning would occur and when asynchronous learning would take place, the adjustment in the schedule to accommodate the Western Center students and a schedule more in line with what a normal in-school day schedule looks like. A request was made to post the Chromebook specs online so that parents could choose to purchase their own Chromebook for their students if they preferred. The Board all agreed that no one wants to keep students out of school and the goal would be to get them back in school as soon and as safely as possible.

### **A. Dr. Kelly Murray to provide an Update on the Red Plan Implementation.**

Mr. Krakower stated that the district will continue to provide special education services including instruction and related services as outlined in their IEP for all students regardless of the mode of instruction. He advised that the direction is moving towards in-person instruction beginning with low incidence classrooms which included full-time learning support/life skills K-12, full-time autistic support K-12, full-time emotional support K-12 and full-time multi-disability K-12. He stated that these classrooms include 170 students and roughly 150 staff members. Mr. Krakower commented that the next steps would be to survey parents of all special education students to get a gage on what families would like in-person instruction and services and which families would prefer remote instruction and services. Mr. Krakower stated that a determination will need be made as a result of the survey on staffing, transportation and food service needs. He advised that all other special education students who are not in the low incidence classrooms will receive virtual instruction via the Canvas platform, be provided with live sessions using Zoom/MS Teams, be supported virtually by instructional assistants and receive related services via Zoom/MS Teams. He added that they

will continue to assess the feasibility of in-person programming. Mr. Krakower provided the expectations for the general education teachers, special education teachers and gifted education teachers. Mr. Krakower explained the services that the instructional assistants will provide to support student needs. He informed the Board that related services such as counseling, hearing services, occupational therapy, physical therapy, speech and vision therapy will be provided either via live sessions or virtually in accordance with the student's IEP. Mr. Krakower reported on the community based instruction and work-based programs. He advised that all IEP and GIEP meetings will be held virtually via Zoom or phone conference. Evaluations and re-evaluations will be conducted and he provided the health and safety protocols for those evaluations to be conducted with school psychologists contacting families to arrange the testing sessions. Mr. Krakower reported that the next steps are to review the parent survey information, provide ongoing communication with parents, continue to assess and evaluate programming and make changes where necessary and continue to explore the feasibility of bringing students with IEPs into school buildings following health and safety guidelines. Mr. Krakower advised that since March the special education supervisors have been participating in weekly meetings with the MCIU and all of the special education supervisors throughout the county and those meetings are currently continuing on an every other week basis.

The Board expressed their support of bringing the low incidence classroom students back into school and asked what support would be needed to deal with the backlog for evaluations and re-evaluations that were not able to be completed since schools closed back on March 12<sup>th</sup> plus those new evaluations for the upcoming school year. Mr. Krakower replied that they will be looking at the psychologist's logs and there may be a need for additional psychologists to be brought in to help with this backlog. The Board advised that if additional support is needed that the request should be made sooner rather than later.

- B. **Mrs. Katie Davis** and **Mr. David Krakower**, Special Education Supervisors, to provide an Update on the Special Education Program for the 2020-2021 school year.

### III. **PERSONNEL**

Mr. Shafer made a motion to approve Item A and Mrs. Earle seconded it.

Discussion took place on whether the Board was ready to make decisions on all of the listed contracts. Concern was expressed over the PIAA's decision to not permit spectators at the athletic events and some of the comments from parents that they intend to ignore these and attend their child's events anyway. It was reported that the Governor's office would be coming out with additional guidelines and that PIAA was planning on meeting again this week as well. The Board spoke about security and determined that this was something the district will need to work out. A request was made to separate the fall contracts from the year-round contracts in the list of extracurricular contracts since not all contracts will run if students are not in school. A proposal was made to approve the contracts so that administration can begin planning effectively for those activities that will take place. Mr. Shafer urged the Board not to get into the details of every contract as that administration should do that. He advised the Board that he will report monthly on this since he chairs the Extracurricular Committee.

The motion passed 9-0.

- A. The Board approved the attached listing of 2020-2021 extra-curricular contracts for the fall season and those full year extra-curricular activities as specified. Payments of extra-curricular stipends shall be contingent upon the reopening of schools and the ability as determined by the Administration to provide such extracurricular offerings to students consistent with CDC guidelines and guidelines from the Commonwealth of Pennsylvania. The district reserves the right to prorate or not pay stipends in the event of a school closure, school modification, and/or discontinuation of the activity due to pandemic or other events surrounding the pandemic. **(Attachment A1)**

#### IV. FINANCE

Mrs. Earle made a motion to approve Item A and Mrs. Fazzini seconded it.

Mrs. Zasowski stated that since it was rumored that the district did not open due to the lack of PPE supplies she would like Chief Boyer to comment on the PPE supplies on hand. He provided an overview of those supplies on hand, those that need to be ordered and those expected to be received this week. He advised that all other supplies will be purchased on an as-needed basis. Chief Boyer stated that purchase orders for any other items still to be purchased are ready to go once the grant money is awarded. He reported that the district has been notified that the grant money has been allocated but they are not advising on when it will be received.

Mrs. Zasowski asked Mr. Rizzo to comment on the other reasons for the district choosing to open in red and debunk the opinion that it was due to the lack of PPE supplies. Mr. Rizzo provided an overview of the concerns that exist due to the number of students and staff which would limit the ability for social distancing in classrooms, cafeterias and hallways.

Mr. Jackson asked about the reference on the grant application for outsource cleaning as well as technology related expenses and wondered what they were for. Mr. Hunter explained that the outsource cleaning was for additional classroom and cafeteria cleaning support from Interstate Maintenance. Chief Boyer explained that the technology related expenses were for Zoom licensing, Kajeet cards, and data cards that were going to be covered through the grant as COVID related expenses.

Mr. DiBello questioned why all of these items related to the grant were being included when the Board had only requested a motion for PPE items. He also requested that the motion read "not to exceed" \$423,796.00. Mr. Fink explained that the grant funds need to be spent by October 31<sup>st</sup> but the listing can certainly be edited to order some items as-needed with the oversight on the spending of the grant money being handled by the Finance Committee.

The motion passed 9-0.

- A. The Board rescinded the Board restriction imposed on 7/20/2020 requiring the administration to suspend the purchase of grant funded PPE and other supplies necessary to reopen onsite instruction until receipt of the grant funding. The total amount of grant funds is \$423,796.00. The list of items to be purchased is attached and shall not exceed \$423,796.00. This is an unbudgeted expenditure and will be initially funded from the Unassigned Fund Balance and reimbursed by the grant funding when received. **(Attachment A2)**

**V. DISCUSSION ITEMS**

**A. Planning for the Return of Students**

Mrs. Zasowski felt that this topic was addressed during Dr. Murray's presentation and that the Board provided direction for some modifications to be looked at and additional information will be provided as we move forward. A question was raised regarding SAT tests in the fall and it was reported that as long as Collegeboard is planning on holding the tests then Spring-Ford will as well.

Mr. DiBello spoke about having a strategy to be in place for the return of students and the need to have two teams; one focused on the start of school year and the other that will put a strategy, a target and a schedule in place for returning the students back into schools.

Mrs. Fazzini stated that she would like to see the district focus on the higher risk special education students first, then possibly K-2 with other grades folding in following that.

Mr. Rizzo reference the Operations Committee that Dr. Murray spoke of saying this is exactly their purpose, to get everyone back in while making sure all our I's are dotted and our T's are crossed. He added that Mr. Krakower also spoke of the work being done to get the special education population back into the buildings and Mr. Shafer indicated that he would be reporting to the Board on the return of extracurricular activities.

Mr. DiBello stated that he wanted to make sure that part of the planning would include that if parents are not comfortable with sending their students back to school that we would give them the option of having their child attend virtually. Mr. Rizzo asked for clarification on whether Mr. DiBello was referring to the cyber school option and he replied no. Mr. Rizzo indicated that administration would have to look further in to how a virtual option would work if students return to school and parents do not want to send their child or enroll them in Spring-Ford Cyber Learning.

Mrs. Melton suggested that possibly someone from the Montgomery County Department of Health to come and speak at the next board meeting to help provide some guidance on moving to the next step for the return of students as well as steps to take if someone tests positive for COVID.

Discussion took place on whether a target for the return of students to school should be set and the possible impact if the target must be moved since we may not have any control over factors affecting that target.

**B. Return of Professional Staff and Support Staff**

Mrs. Zasowski asked Mr. Fitzgerald if a motion could be added to the agenda regarding the return of professional and support staff and Mr. Fitzgerald advised that if there was a motion and a second then it can be added.

Mr. DiBello stated that with regards to all of the discussion that has taken place tonight it would make sense to start with staff returning to classrooms and getting everything lined up as this will help us move quicker to get to the target. Mrs. Zasowski agreed saying it would create the continuity and sense of routine of getting back to the business of school.

Mrs. Zasowski made a motion to have the Professional Staff provide instruction at the beginning of the 2020-2021 school year from within the school buildings that they typically instruct in from their classrooms. Mrs. Melton added and support staff to assist them on-site where necessary. Mrs. Earle seconded the motion.

Clarity was request on support staff and what this entails. Mr. Fitzgerald advised his understanding was instructional support staff. Mr. Jackson asked about other support staff and Mr. DiBello replied that he felt it was up to administration to bring a recommendation on whom they deem to be essential staff.

Board Members voiced their opinions on this with some feeling that the teachers should teach from the classrooms, others felt teachers should be able to decide on whether they will provide instruction from the classroom or elsewhere, and some feeling that this should be an administrative decision.

Mr. Jackson asked whether the teacher's union had been involved in discussions regarding this and Mr. Rizzo advised that to his knowledge they had not. It was asked if it there was a meeting today and if this topic was discussed and Mr. Rizzo replied that it was discussed from the standpoint of the administration meeting with the association to find out where they stood on this but that there was no discussion with regard to them coming back as an option. Mr. Rizzo stated that there were no promises made if that was what Mr. Jackson was asking.

The floor was opened up for public comment due to there being a new motion on the table.

**Abbey Dierdorf, Royersford**, commented that virtual is virtual and that there is no way anyone can pretend this is a normal circumstance and she stated that to put the teachers into this situation is an overstep by the Board. She felt that administration should make this decision. She expressed that she had major concerns with staffing issues if you require teachers to come in. She indicated that as a parent she does not care where the teacher is conducting instruction from as the kids need to see their teachers and they need this consistency.

**Denise Miller, Perkiomenville**, commented that she felt it should be optional for teachers to come into school. She stated that there are teachers who would like to come into the building but she hoped that the Board would remember that many teachers are members of community with kids in the district and their kids are now at home. She added that the teachers have an obligation to teach in their classrooms but they also have kids that now have school from home and they will have child care issues. Ms. Miller commented that there would be greater exposure if teachers have to come into the buildings. She asked that the Board refer to the PDE recommendations which specifically says that it is recommended that all PD staff meetings are done through virtual applications and not in person as it would be a larger gathering. She asked that teachers be given the chance to be professionals and choose if they would like to be in the building or not.

**Erica Hermans, Royersford**, stated that teachers and staff need to have a choice and the flexibility on how they work as they are the life blood of this district. She added that she supports their choice.

**Sarah Daunoras**, expressed her support of the teaching staff and stated that she felt the Board was going in the wrong direction for this and that they should listen to Dr. Wright. Ms. Daunoras did not feel there was any reason to put teachers at risk by making them go into the buildings as they will not be able to deliver any better educational opportunities for the students from their classrooms then they will virtually from home. She added that making teachers go into the buildings also creates a major childcare issue for those with young kids at home and the district will be faced with teachers choosing to take FMLA or resign. She asked that the Board give teachers the choice to work from home.

**Zachary Laurie, Limerick**, stated that he was calling in response to Mr. Jackson's question on whether the Association had a position on this. Mr. Laurie commented that the Association's position is that they feel teachers should be given a choice on whether to work in person or work from home. He added that he felt there might be a misconception on what teaching in the classroom might look like if teachers are in the classroom in person as there will not be a camera crew there, no one will be holding a camera and there are no swivel cameras that will follow teachers around the classroom. He advised that it would most likely be a teacher sitting at their computer where students will be able to see their faces, whatever they are sharing on their screen and the wall behind them. Mr. Laurie commented that the only difference for him will be the color of the wall behind him. He again stated that the Association's position is for all teaching staff and assistants to be given a choice as the Governor has encouraged telework.

**Kathy Morris, Royersford**, commented that she can understand why teachers want to be given a choice. She expressed concern over the burden on teachers with regards to the childcare of their own children at home and how it would affect their ability to be fully focused on providing instruction. Ms. Morris felt that there still needs to be some type of accountability so that even if teachers are at home with their own children that they are still being watched to make sure that their priority is still to the students they are teaching. She added that she understands as a parent working from home how difficult it is to get your job done when you are focusing on your child and said that opening in the red phase has put childcare on the table for a lot of parents.

**Susan Paffett, Schwenksville**, stated that no one seemed to be worrying about parents who have to stay home to take care of kids who are in elementary school and cannot stay home on their own but the conversation is more on teachers who cannot go back to school because their children would be put into a daycare situation. Ms. Paffett commented that this is the same situation but no one seems worried about parents.

**Judy Gustafson, Limerick**, commented that she believes teachers should be in their classrooms. She felt that there are a lot of precautions that have been put in place to provide safety. She added that a lot of money and time has been spent sanitizing schools and providing safety measures. Ms. Gustafson stated that no one wants to see teachers get sick but felt that there was enough space in-between classrooms that there would not be an issue. She commented that if the district wants to create normalcy for students then having teachers in the classroom and students able to see their faces helps keep kids accountable and if they cannot be in the classroom with their teachers then this is the next best thing. She did not feel there was a reason why teachers should not be in school and added that she works too so childcare is not just an issue for teachers but for everybody.

**Lauren Rafter, Schwenksville**, stated that she feels that the district needs to trust the teachers and give them the choice of where they work from as they are committed to do the job of teaching and if they prefer to do it from home then let them and if they prefer to be in the classroom then let them do that.

**Ruth Hanson, Schwenksville**, commented that teachers are dealing with a new platform with Canvas and may have technical issues. Ms. Hanson stated that she feels that it would be more helpful for them to be in the building in the event of technical issues because they could get the support right away rather than trading phone calls with technical support.

Mrs. Melton asked that the motion from Mrs. Zasowski be tabled in order to allow administration to make a decision on teachers working virtually or from their classrooms. Mrs. Fazzini seconded the motion. Mr. Shafer asked what the purpose of tabling the motion was for and Mrs. Melton explained that she felt this discussion was in the weeds and that administration needed to make a decision on where teachers needed to be and come to an appropriate agreement. The motion passed 8-1 with Mr. DiBello voting no. The motion made by Mrs. Zasowski was tabled.

Mrs. Zasowski asked that more through conversations take place between administration and SFEA and a recommendation be provided. Mrs. Melton felt that administration should develop the plan and bring it to the Board only as an informational item and not for approval. Mr. DiBello felt that this was not an administration decision but rather a Board decision. Mr. Fitzgerald agreed that it was ultimately a Board decision but that administration needed to bring back an informed recommendation.

**C. School Calendar (Attachment A3)**

Mr. Rizzo provided an explanation on the calendar attached and the reason why the Board had been provided only 2 versions of the calendar.

Mr. Shafer asked if there was a recommendation from the administration and Mr. Rizzo replied that the recommendation was for a student start on August 31<sup>st</sup> as long as Canvas was ready to go. Mr. Catalano advised that the contract was signed, the purchase order was processed and that Canvas advised there would be a two week turnaround time to get everything set up so we should be ready for the first day of school.

Dr. Wright spoke about the additional professional development day as a result of the flex day being utilized. Mr. Rizzo provided explanation on this 4<sup>th</sup> professional development day being added at the beginning of the calendar as a result of the flex day being used. Dr. Murray confirmed this was correct.

Mrs. Melton asked if this was sufficient time for professional development and for staff to be comfortable and proficient with the Canvas platform. Dr. Murray provided further information on how the professional development days would be used and stated that the plan is to send the information on Canvas out to the professional staff now so that they can begin to play around with it and familiarize themselves with how Canvas looks. The professional development days would then provide a more in-depth training on the platform.



Mrs. Zasowski confirmed that the recommendation was a student start of August 31<sup>st</sup> and the application to utilize flexible days and Mr. Rizzo confirmed that this was correct and that the plan was to apply to PDE for flexible days.

Mr. Shafer requested that the calendar recommendation be put on the next agenda for Board approval.

**VI. BOARD COMMENT**

Mrs. Zasowski announced that the Board met in an executive session tonight prior to the meeting. She stated that earlier tonight it was stated that SATs would be held if CollegeBoard was moving forward with them and she asked if the same applied for ACTs to which Mr. Rizzo replied that he would have to get back to her with this information but he is assuming that if they are offered then we would do the same. Mrs. Zasowski stated that many members of the public have requested the survey results and stated that however unreliable or invalid those results may or may not be she felt that there was a response although not all of our school families weighed in and she asked that the Board give direction to the administration to share the results. The Board all agreed that the results should be shared. Mrs. Zasowski advised that there will not be a Board meeting next week as the Western Center Joint Operating Committed has a meeting and it was important for Board Members to be there.

Mrs. Earle asked if any Board Committee meetings were taking place this month and the response was no and typically committees do not meet in August.

Mr. Jackson asked for a recommendation from the administration on the return of the maintenance and custodial staff and the proposed plan for this.

**VII. PUBLIC TO BE HEARD** This public comment section is for comments only and is not limited to agenda items only. Speakers will be limited to **2 minutes** for their comments. If time does not permit you to comment you can email your comments to [BoardComment@spring-ford.net](mailto:BoardComment@spring-ford.net) and your comments will be reviewed and included in the official board meeting minutes.

**Roland Olsen, Collegeville**, stated that just by the virtual of the fact that it was necessary to debunk the whole PPE order thing in addition to asking Mr. Rizzo to clarify the reasoning behind not going with green is an indicator that this was not clearly communicated last week and led to debate and a lot of backlash related to that. He added that there are still many people in the public who have questions on what actually went down with opening green. Mr. Olsen stated that Mr. DiBello said he was putting a stake in the sand for students returning and he asked what was going to happen if administration does not come up with something at that point. He asked if Dr. Goodin would be fired or would it be pushed off until whenever. Mr. Olsen pointed out that 5 of the last 7 days have seen no deaths in the State of Pennsylvania and that we could go green based on that data alone if we were ready to go. He questioned why the district was not ready to go in green when the vote took place and he asked where we were going to be in a couple of weeks from now. He apologized to Mrs. Melton saying his intention was not to attack her personally but it was to question her qualifications as a Board Member since she was on her phone when a member of the public was speaking, made an emotional plea and was limited to two minutes.

**Mary Jo Mcnamara, Royersford**, commented that she was very encouraged by what she heard this evening but stated that she still had concerns and her own opinions possibly based on her own view of her students although she tries to look at things from the big picture. Ms. Mcnamara stated that she has concerns about bussing, teachers, nursing, facilities and lunches and these are the things that the Board has brought up for weeks and weeks. She added that she agrees that they need to proactively put a stake in the sand and pick a date and work towards it and if they miss the deadline then they need to have reasons for missing the deadline but if they do not set one then they are not working towards it. She urged the Board not to work on emotion but rather work on fact and felt that community involvement was needed. Ms. Mcnamara offered that she would love to be involved with helping to provide a solution. She expressed her appreciation for the work the Board is doing, for allowing her to be heard and for their response.

**Amy Sitnick, Collegeville**, stated that she was not here to dispute PPE or virtual learning or teachers although she did not feel it mattered where they teach. She commented that we are a few weeks away from the start of school and although she appreciates all of the work being done she is very concerned about the state of delivering special education especially for children with ADHD. She relayed that many of these students have legally mandated IEPs and they simply cannot fall through the cracks. Ms. Sitnick conveyed that in the spring many documented accommodations were not delivered and to say this was stressful to families, especially working parents, is an understatement. She stated that tonight was the first time this issue was addressed publicly. She said she speaks for many families to express their disappointment and lack of communication on the planning that the district says was taking place. Ms. Sitnick advised that they proactively fill out every survey and have emailed and called many. She stated that Mr. Rizzo has been extremely cordial and responsive to them and they appreciate that. She asked that going forward there is more transparency on plans. She expressed that she did not understand how the district was just going about surveying parents now on their preference and asked how this was enough time to conduct a survey, analyze results and configure services for this school year. Ms. Sitnick asked if they would even see the results of the survey. She commented that special education families are more than happy to be involved but they need to be involved now.

**Erica Hermans, Royersford**, stated that it was mentioned multiple times that we can get the K-4 kids back in school pretty quickly, but as a two parent working household all too familiar with IEPs and ISTs that although she wants her children back in school she wants this to happen under the appropriate circumstances with the proper measures in place. Ms. Hermans expressed that she did not feel the elementary kids should be the pilot group for the district's broader reopening plan. She added that she found it alarming that this was being speculated in this manner by throwing out K-2 or K-4 without real consideration behind it. She stated that she supports putting a team in place to focus on the strategy behind bringing the kids back to school but felt it was irresponsible to begin solutioning without really understanding and tackling all of the criteria that is required of the district to go yellow at minimum.

**Jordan Popky, Limerick**, thanked the Board for prioritizing the safety of students and staff but felt that this should apply for all students including special education students. She stated that as an alumni of Spring-Ford she knows that the district has a really high standard of education for but no standard of education is worth the cost of a student or teacher's life. She added that

if it is unsafe for the majority of the student body to attend classes in person then it is unsafe for all students to attend in person. Ms. Popky commented that these are some of our most vulnerable students and they and they incredible staff members who work with them deserve to be protected by the same care and caution that has been afforded to the rest of the student body and staff. She stated that to do otherwise reads as discrimination whether intended or not. Ms. Popky added that these students cannot be the guinea pigs for testing the safety of in-person learning at Spring-Ford and she knows that it was not meant this way but asked them to consider how it might look to the students and their families. She urged the Board to not put the special education students and staff in danger and added that virtual learning will be very difficult to navigate for some of the students to get them what they need and deserve but the difficult choice is the right one when it is the safe choice.

**Nicholas Tier, Collegeville**, thanked the Board and administration for all of their hard work and said he knows it has not been easy as there are a lot of moving parts and education is way more complex than he believes people realize. Mr. Tier stated that as a teacher he did receive communication from the district on a reopening plan that they were going to be given flexibility if the district was to be in the virtual phase for reopening so he was under the impression that this was where they would be and he expressed hope that this is still the recommendation going forward. He commented that he did not feel the location of where the instruction is taking place would make much of a difference for his honors class or AP class as well.

**Carrie Ellis, Royersford**, stated that she has heard a lot of mentioning about IEPs and GIEPs but there was no one has mentioned any plans for the children with 504s in place for their ADHD. She spoke of her daughter's struggles and how she had to put her whole work day on hold in order to get her through her schooling and then go back and finish her work day. She stated that this would not be possible this year and felt that something needed to be addressed regarding this. Mrs. Zasowski commented that there was information regarding 504s in tonight's meeting presentation that was clearly included and will be addressed.

The public comments received during the times the meeting was in session have been reviewed and are attached as part of these minutes.

#### **VIII. ADJOURNMENT**

Mrs. Melton made a motion to adjourn and Mr. Shafer seconded it. The motion passed 9-0. The meeting adjourned at 11:34 p.m.

Respectfully submitted,

Diane M. Fern  
School Board Secretary

**Barbara Kernen Mon 8/3/2020 7:31 PM**

Hello,

My name is Barbara Kernen from 113 Ithan Lane, Collegeville.

I am writing to comment on agenda item IV regarding PPE.

Due to the lack of PPE, it seemed it was more of a default than a decision to go red for the return to school.

I have some concerns as to why the decision on whether or not to order PPE supplies was not communicated, nor put to a vote. And why we discussed other phases at length if red was the only viable option due to lack of "clorox wipes" in time (per Dr. Goodin).

Moving forward, I support ordering the PPE supplies immediately with use of other available funds rather than wait for the grant.

In regards to agenda item V (A) and V(C) planning for the return of students and calendar. I would like to ask the board to reveal the results of the recent survey regarding whether or not parents would send their kids back to school if there was in-person learning. And most importantly, I'd like to ask the board and school administration to vote on and communicate the specific parameters you will require to be able to move to the yellow and green phase. As a reminder, the CDC and American Academy of Pediatrics both stated the importance of the students returning to school.

Finally, I'd like to comment on agenda item III (A). Since the PIAA has approved school sports, we need to allow the students to still have their extracurriculars. The ability to exercise and socialize is extremely important. While I still advocate for in-person learning and find it to be the priority, I do not see why this also needs to be taken from them. If PPE for sports is an issue, I am under the impression there are many families willing to donate supplies or send their child in with their own.

Thank you

**ST2 Mon 8/3/2020 7:58 PM and 8:18 PM (duplicate emails)**

> Will there be any childcare provided? My husband and I cannot work from home full time now that the Red Phase was chosen. How is it acceptable to send my child to a daycare program that I have to pay for but not be in school? Also, if he is at a daycare program he will miss the synchronous learning. How will that be addressed?

>

> My son has been at camp all summer with no issues and I spoke to the director of the Spring Valley YMCA childcare program and they have not had issues at their summer camp either.

Thank you,  
Sara Trigger  
43 Sheffield Court  
Collegeville, PA 19426

**ginny ricci Mon 8/3/2020 8:10 PM**

Please approve the Grant Application in its entirety and I support opening school following the calendar that starts school on September 8th. You all are doing a great job. Please get us the PPE necessary to keep everyone safe when we return. I fully support the delay in reopening. Sincerely, Virginia Ricci

**Ejhabs36 Mon 8/3/2020 10:54 PM**

Did you discuss the possibility of changing the school calendar??  
I see it on the agenda but it was not discussed.

**Ejhabs36 Mon 8/3/2020 10:58 PM**

Please ignore the email below. I didn't realize that you were opening questions/comments for the agenda item prior.

**Mary Beth Wilson Mon 8/3/2020 11:17 PM**

I believe that teachers need to be in the classroom. This will result in accountability for the teachers. While I know that there are good teachers but like any other profession there are lazy teachers. I saw that with my grandchildren at the end of the school year. Child care is not a reason for teachers to not come to work. And as one listener said if a teacher is at home trying to teach and take care of her or his children some one is going to get short changed. Teachers need to be in the classroom.

**Jessica-Lyn Gallo Mon 8/3/2020 11:17 PM**

Hi, All-

I urge you to let teachers have the option to decide whether they teach at home or they teach in the buildings. The teachers and their families are just as important as the students. Many teachers have their own children who will need to be cared for and they may not want to send them to childcare centers for the same reasons many Spring-Ford families do not want to send their kids to school. Furthermore, I'm sure there are many teachers who are either in the high risk category or live with someone who is. Let's help keep them safe too by letting them teach from home if they think that is the best choice for their family. I trust that the teachers will still be able to teach our children effectively. Some commenters sounded spiteful in their reasons for teachers going into the building. It's a pandemic. We have to work together and keep everyone's best interest at heart. Let's respect our teachers and keep them safe.

Thank you for considering.  
Jess Gallo

On August 17, 2020 the Work Session of the Board of School Directors of the Spring-Ford Area School District was called to order at 7:30 p.m. in the cafeteria of the Spring-Ford High School with the following in attendance:

|                          |  |
|--------------------------|--|
| Region I:                | Wendy Earle, Linda C. Fazzini and Dr. Margaret D. Wright     |
| Region II:               | Clinton L. Jackson and David R. Shafer                       |
| Region III:              | Thomas J. DiBello, Christina F. Melton and Diane C. Sullivan |
| Presiding Officer:       | Colleen Zasowski   |
| Superintendent:          | Dr. David R. Goodin  |
| Chief Financial Officer: | James D. Fink ( <b>Absent</b> )                              |
| Solicitor:               | Mark Fitzgerald, Esq.  |
| Student Reps.:           | Eshika Seth ( <b>Arrived at 7:32 p.m.</b> )                  |

## **ANNOUNCEMENTS**

Mrs. Zasowski announced that the board will be sharing details on the district's opening phase as was discussed, debated and deliberated upon a few weeks ago. She noted that while it is the School Board's intention to start the school year virtually, parents do have a choice to participate in the school district's plan or to choose cyber and while this may not be the choice that all parents are seeking it is nonetheless an option. Mrs. Zasowski stated that the board also recognizes that no plan to move forward would have appeased the masses but that the decision was based on a number of factors all of which have been discussed at great length. She advised that they have continued to receive many emails with legitimate questions and concerns and it is the board's intention to continue to add clarity to their plan. Mrs. Zasowski reminded everyone of the mandate from the Governor which limits 25 people in attendance at any indoor meeting and advised that the best way to attend a meeting is by watching via YouTube or Zoom. She also reminded the public of the process for the meeting and for making public comments at the beginning and end of the meeting. Mrs. Zasowski advised that the board met in an executive session on August 12, 2020 for a discussion on personnel.

## **I. PUBLIC TO BE HEARD ON AGENDA ITEMS ONLY**

**Roland Olsen, Collegeville**, stated that he didn't know Louie Carbajal but his daughters said he was a terrific wrestler, a big girls' basketball supporter and an even nicer young man. He offered his family's thoughts and prayers to the Carbajal family, Louie's friends, teammates, coaches and classmates on this terrible day. Mr. Olsen commented that he was speaking on behalf of the 800+ members of the Spring-Ford Community Back-in-School Council which represents families of greater than 1000 students in the district. He expressed that they have attempted to open the lines of communication with the School Board and Dr. Goodin and have offered the help and assistance of their highly qualified and well-educated constituents. He informed that they reached out to the board via a single email requesting and suggesting a regularly scheduled, mediated meeting with pre-submitted questions and an opportunity for additional dialogue, increased in-person attendance allowance for these board meetings, a plan which combats the rising rates of alcohol and drug abuse, depression and suicide linked to students remaining out of the classroom besides the Safe-2-Say link on the district website, and a back-in-school plan

with specific and measurable criteria which supports the established re-opening date. Mr. Olsen added that the council would like to see this presented project plan to be publicly available and include what is needed, when it is needed by, an updated status on each milestone, where teachers are on this plan, whether teachers are involved in the planning, what parent input is being included in the plan, what will occur if a student or teacher has a positive result reported to the Montgomery County Health Department and what the plan is to interface with the health department on each case. He expressed appreciation for the email Mrs. Zasowski which advised them that the questions they posed required deliberation and action of the board publicly. Mr. Olsen asked why none of their questions or requests had been included in tonight's agenda. He questioned why the Board President and Dr. Goodin who make up the meeting agenda, had purposefully ignored the council's requests and questions. He asked why there was an action item on the agenda for the hiring of a new HR Manager.

Mr. DiBello stated out of respect the family they are not commenting on the recent student loss until they are sure the family is okay with public comments being made. He conveyed that the board, the administration and the entire Spring-Ford community are heartbroken by the recent, unfortunate, and upsetting loss. He offered his condolences to the family. Mr. DiBello commented that he was sure that when the time was right the administration would be putting out a proper message.

Mr. Jackson asked that additional members of the public be permitted to enter as those in attendance did not total 25. Mr. DiBello motioned that all members of the public waiting outside be permitted to enter the meeting. When asked for clarification it was determined that the board would be voting on the motion by Mr. Jackson to allow up to 25 people to be present at the meeting and Mr. Fitzgerald indicated that a motion was not necessary to go to the threshold of 25. Mrs. Zasowski instructed Chief Boyer to allow 3 members of the public to enter the meeting bringing the total to 25 attendees.

## II. ACTION ITEMS

Mrs. Earle made a motion to approve Item A and Mrs. Fazzini seconded it.

Mr. Jackson spoke about the process for the board to receive information that they are being asked to vote on and expressed concerns over information for Item A being sent home in Friday's memo with an expectation of voting taking place tonight. Mr. Jackson questioned the timing of this position being established in light of everything currently going on. Dr. Goodin explained that it was due to everything going on in June that he held this motion until now. Mrs. Melton asked Dr. Goodin to provide additional information on this position which he did and advised that it was budget neutral as far as its financial impact. Mr. DiBello stated that there was a protocol in the past that was not followed this time and he questioned why they had to vote now rather than next week. Dr. Goodin replied that the job description needed to be approved prior to the an individual being able to be hired. Mrs. Zasowski offered her understanding of this motion. Mr. Shafer stated that it appears to him that the board's concerns were more about the past procedure not being followed and the why the position is needed. He commented that the approval of the job description was not the approval of anyone being put in that position so possibly the board could vote on the job description tonight, Mrs. Leiss could provide a paragraph for the memo on the why it is needed and how it would support the department and then the board could vote on the filling of the position next week after having all of the necessary information.

The motion passed 7-2 with Mr. Jackson and Mr. DiBello voting no.

- A. The Board approved the attached job description for Human Resources Manager.  
**(Attachment A1)**

Dr. Wright asked for further explanation on this motion. Mr. Fitzgerald provided details on this as it relates to the Public School Code with regards to the transportation of public and non-public school students. Discussion took place on the number of students the district would be transporting and although the exact number of families who would want to use district bussing at this time was not known it was revealed that in the past the district transported approximately 600 non-public students. The pros and cons of providing this transportation including the liability if a student contracts COVID while being transported were discussed.

Mrs. Fazzini made a motion to approve Item B and Dr. Wright seconded it. The motion passed 8-1 with Mr. Shafer voting no.

- B. The Board approved maintaining non-public transportation for the 2020-2021 school year consistent with current school district practice and Section 12-1361 of the School Code. Nothing herein otherwise limits the board's ability to revisit this motion at a later date shall it be determined necessary.

Mr. DiBello made a motion to approve Item C and Mr. Shafer seconded it. The motion passed 9-0.

- C. The Board approved the Memorandum of Understanding between the Spring-Ford Area School District and the Spring-Ford Education Association for the purpose of allowing for a Flex Day for the 2020-2021 school year.

Dr. Goodin provided explanation on why the recommendation for Revision 2 of the 2020-2021 school calendar was being made.

Mrs. Earle made a motion to approve Item D and Mrs. Fazzini seconded it.

Mrs. Melton asked that the motion under Programming and Curriculum, Letter D, be moved forward to become an Action Item on tonight's agenda so that the district can move forward with the submission of the application for flexible instruction days. She asked that this be done before they vote on the calendar. Mr. Rizzo provided an explanation on the flexible instruction days application process and advised that the Pennsylvania Department of Education would provide a response no later than November 1<sup>st</sup> on the approval.

Ms. Earle withdrew her original motion for voting on the calendar revision until the motion Mrs. Melton asked to have moved forward could be voted on.

Mrs. Melton made a motion that Letter D under Programming and Curriculum be converted to an Action Item on tonight's agenda.

Mrs. Fazzini made a motion to approve the application and participation in the Spring-Ford Area School District's Flexible Instruction Day Program for the 2020-2021 school year, with the option for Administration to extend for an additional two years, consistent with Section 15-1506 of the Public School Code of 1949. In approving this program the Administration is so authorized to take any and all necessary steps to effectuate implementation of the program. Mrs. Melton seconded it.

The floor was opened up for public comment and there were no comments on this motion.



The motion passed 9-0.

The Board approved the application and participation in the Spring-Ford Area School District's Flexible Instruction Day Program for the 2020-2021 school year, with the option for Administration to extend for an additional two years, consistent with Section 15-1506 of the Public School Code of 1949. In approving this program the Administration is so authorized to take any and all necessary steps to effectuate implementation of the program. **(Attachment A7)**

Mrs. Earle made a motion to approve Item D and Mrs. Melton seconded it.

Discussion took place on the reasoning for pushing back the first student start day to September 8<sup>th</sup>.

The motion passed 7-2 with Mr. Jackson and Mr. DiBello voting no.

D. The Board approved Revision 2 of the 2020-2021 school calendar as recommended by the Administration. **(Attachment A2 and A3)**

### **III. BOARD AND COMMITTEE REPORTS**

#### **Superintendent's Report Dr. David Goodin**

Dr. Goodin commented that no one in this room or in our country have faced anything like this before. He stated that they are basically trying to manage a hurricane where things are constantly changing. He added that the recommendation to open virtually that he and his administrative team have recommended have been out of concern for safety of both the students and staff as well as the community-at-large. Dr. Goodin stated that if they are going to be faulted for anything then fault them for looking for the safety of our students and staff. He introduced a video that was prepared by the nursing staff that will be sent out to all families.

Dr. Goodin spoke about the Department of Health and the Pennsylvania Department of Education county designations which now are shown as Low, Moderate and Substantial and how they relate to the type of instruction school districts should be providing. He also spoke about the recommendations for K-12 schools following the identification of a case of COVID-19. Dr. Goodin next discussed the updates to the daily schedule for students in grades 7-12. He advised that students at those grade levels will follow a regular bell schedule for their virtual instruction. Discussion took place on allowing teachers to develop their own lesson plans and have flexibility with their schedule in order to allow them to be creative with their instruction. Dr. Goodin provided updates on transportation, extracurriculars and explained the transition timeline for the hybrid return to school which is recommended to be the first day of the next marking period, November 12<sup>th</sup>. Discussion and a lengthy discussion occurred on the timeline for return to school with regards to the hybrid return option, the board's and the administration's expectations. The board also spoke about the potential of setting up a committee including some Board Members who would work together with administration on a collaborative plan for getting students back to school versus having the already established Board Committees explore this and provide feedback to the administration.

#### **Solicitor's Report Mark Fitzgerald**

Mr. Fitzgerald commented that on the agenda for a first reading are modifications to Policies 103 and 104 due to Title IX changes.

**IV. MINUTES**

There were no questions or comments.

- A. Administration recommends approval of the July 13, 2020 Special Board Meeting minutes. **(Attachment A4)**
- B. Administration recommends approval of the July 20, 2020 Special Board Meeting minutes. **(Attachment A5)**

**V. PERSONNEL**

Mrs. Melton asked that for the listing of extracurricular contracts that there be a consistent way of compiling the list.

**A. Resignations**

- 1. **Cristin M. Arbaugh**; Instructional Assistant, Brooke Elementary School. Effective: August 21, 2020.
- 2. **Lindsay Brock**; Support Technician, 7<sup>th</sup> Grade Center. Effective: July 30, 2020.
- 3. **Dannette M. Dewey**; Instructional Assistant, Brooke Elementary School for the purpose of retirement. Effective: August 12, 2020.
- 4. **Rachael Fenyus**; Senior Accountant, District Office. Effective: August 21, 2020.

**B. Leave of Absence**

- 1. **Beverly E. Reimund**; Elementary Teacher, 5/6<sup>th</sup> Grade Center, is requesting a Sabbatical Leave per Board Policy. Effective: August 25, 2020 through the first semester.

**C. Temporary Professional Staff**

- 1. **Amy R. Heiman**; Special Education Teacher, 7<sup>th</sup> Grade Center, replacing Rhonda Zimmerman who retired. Compensation has been set at B, Step 2, \$50,500.00 with benefits per the Professional Agreement. Effective: August 25, 2020.

**D. Support Staff**

- 1. **Annmarie Mill**; Level III Secretary, District Office, replacing Courtney Mullen who had a change of status. Compensation has been set at \$16.62/hour with benefits per the Secretarial Benefit Summary. Effective: To be determined.
- 2. **Jennifer L. Moyer**; Instructional Assistant, Upper Providence Elementary School, replacing Elise-Marie A. Lannutti who had a change of status. Compensation has been set at \$17.36/hour with benefits per the Instructional Assistants' Benefit Summary. Effective: August 25, 2020.
- 3. **Allison L. Worthington**; Instructional Assistant, Upper Providence Elementary School, replacing Lynne Marie D. Keene who retired. Compensation has been set at \$17.36/hour with benefits per the Instructional Assistants' Benefit Summary. Effective: August 25, 2020.

**E. Change of Status**

1. **Evvie J. Harrison**; Kindergarten Teacher, Oaks Elementary School, from part-time (.50) Kindergarten Teacher to full-time (1.0) Kindergarten Teacher replacing .5 of a contract available due to the change of assignment of Lauren Rose. Compensation has been set at B, Step 2, \$50,250.00 with benefits per the Professional Agreement. Effective: August 25, 2020.
2. **Mary R. Newett**; Staff Accountant to Senior Accountant, District Office, replacing Rachael Fenys who resigned. Compensation has been set at \$65,000.00, prorated with benefits. Effective: August 25, 2020.

**F. Tenure Status**

- |                                |                                |
|--------------------------------|--------------------------------|
| 1. <b>Anne L. Bowen</b>        | 10. <b>Emily E. Marzewski</b>  |
| 2. <b>Ashley L. Brod</b>       | 11. <b>Brittany N. McElwee</b> |
| 3. <b>Jean M. Champion</b>     | 12. <b>Michael J. Miedlar</b>  |
| 4. <b>Steven E. Entenman</b>   | 13. <b>Ashley A. Monziona</b>  |
| 5. <b>James L. Eveland</b>     | 14. <b>Jennifer L. Ott</b>     |
| 6. <b>Mark P. Ferko</b>        | 15. <b>Elizabeth Shields</b>   |
| 7. <b>Angela M. Fitzgerald</b> | 16. <b>Amelia M. Smith</b>     |
| 8. <b>Christina Khoury</b>     | 17. <b>Megan L. Taylor</b>     |
| 9. <b>Meghan D. Marchetti</b>  | 18. <b>Julie A. Zolnierz</b>   |

- G. Administration recommends approval of the attached extra-curricular contracts for the 2020-2021 school year. Payments of extra-curricular stipends shall be contingent upon the reopening of schools and the ability as determined by the Administration to provide such extra-curricular offerings to students consistent with CDC guidelines and guidelines from the Commonwealth of Pennsylvania. The district reserves the right to prorate or not pay stipends in the event of a school closure, school modification, and/or discontinuation of the activity due to pandemic or other events surrounding the pandemic.  
**(Attachment A6)**

**VI. FINANCE**

There were no questions or comments.

- A. Administration recommends approval for next month's payroll, taxes, all benefits, transportation contracts, IU contracts, Vo-Tech payments, debt service payments, utility bills, maintenance agreements, copier leases, equipment maintenance, federal grants, insurance, and discounted invoices.

**B. Checks:**

- |                                  |                |
|----------------------------------|----------------|
| 1. <u>General Fund Checks</u>    |                |
| Check No. 210293 – 211481        | \$1,247,558.95 |
| 2. <u>Food Service Checks</u>    |                |
| Check No. 1865 – 1964            | \$ 4,845.79    |
| 3. <u>Capital Reserve Checks</u> |                |
| Check No. 2087 – 2088            | \$ 71,197.03   |
| 4. <u>Capital Projects</u>       |                |
| Reserve Fund: Check No. 83 - 84  | \$ 3,782.10    |

- |   |                |
|---|----------------|
| 5. <u>Scholarships</u>  |                |
| Check No. 156 – 222   | \$ 28,750.00   |
| 6. <u>General Fund, Food Service, &amp; Capital Reserve and Projects ACHs</u> |                |
| ACH 192001459 – 192001765   | \$1,261,098.90 |
| ACH 202100001 – 202100229   | \$2,245,452.69 |
| 7. <u>Wires</u>   |                |
| 201900095 – 201900107   | \$8,255,517.09 |

C. The following monthly board reports are submitted for your approval:

- Skyward Reports
  - Check Register (General Fund, Food Service, Capital Reserve, Capital Projects, Scholarships and Wires)
  - ACH Check Register (General Fund, Food Service, Capital Reserve, and Capital Projects)
  - Wires Register (General Fund, Food Service, Capital Reserve, and Capital Projects)

D. Administration recommends approval of the following independent contracts:

1. **Pediatric Services of America, Inc. dba Aveanna Healthcare – Atlanta, GA.**  
Provide nursing services during 2020-2021 school year for multiple special needs students during the school day or on community based trips as per their IEPs. Funding will be paid from the Special Education Budget and shall not exceed \$80,160.00.
2. **Lakeside Youth Service dba Lakeside Educational Network – North Wales, PA.**  
Provide 5.25 in-school counselors and 10 student slots for special education services during the 2020-2021 school year at the Lakeside School, Lakeside Girls Academy, Souderton Vantage Academy or Upper Merion Vantage Academy. Funding will be paid from the Special Education Budget and shall not exceed \$779,223.00.
3. **Personal Health Care, Inc. – Valley Forge, PA.** Provide nursing services during the school day and/or on transportation during the 2020-2021 school year. Funding will be paid from the Special Education Budget and shall not exceed \$25,725.00.
4. **Visiting Nurses Group, Inc. – Philadelphia, PA.** Provide nursing services during the 2020-2021 school year for a special needs student as per the IEP. Funding will be paid from the Special Education Budget and shall not exceed \$81,000.00.
5. **Richard Weidner – High School to Work Transition Services, Inc. – Telford, PA.**  
Provide a Spring-Ford Transitional Employment Program (S.T.E.P.) for special needs students during the 2020-2021 school year as per their IEPs. Funding will be paid from the Special Education Budget and shall not exceed \$89,301.00.
6. **Epic Health Services (PA) dba Aveanna Healthcare – Atlanta, GA.** Provide a home health aide at school during the 2020-2021 school year for a special needs student as per the IEP. Funding will be paid from the Special Education Budget and shall not exceed \$7,000.00.

7. **Central Montco Technical High School (CMTHS) – Plymouth Meeting, PA.** Provide educational services for a special needs student during the 2020-2021 school year as per the IEP. Funding will be paid from the Special Education Budget and shall not exceed \$11,110.00.
8. **Foundations Behavioral Health - LifeWorks Schools – Doylestown, PA.** Provide educational services for a special needs student during the 2020-2021 school year as per the IEP. Funding will be paid from the Special Education Budget and shall not exceed \$40,320.00.
9. **The Camphill Special School – Glenmoore, PA.** Provide educational and related services during the 2020-2021 school year including speech and language, occupational therapy and a 1:1 aide as per the IEP. Funding will be paid from the Special Education Budget and shall not exceed \$89,627.40.
10. **Austill's, Inc. – Exton, PA.** Provision of speech and language therapy during the 2020 Extended School Year Program for a special needs student as per the IEP. Services were provided for 34 hours at a rate of \$67.00 per hour. Funding will be paid from the Special Education Budget and shall not exceed \$2,278.00.
11. **Austill's, Inc. – Exton, PA.** Provide direct and indirect speech and language therapy during the 2020-2021 school year for a special needs student as per the IEP. Services will be provided for up to a total of 108 hours at a rate of \$67.00 per hour. Funding will be paid from the Special Education Budget and shall not exceed \$7,236.00.
12. **Behavior Interventions – King of Prussia, PA.** Provision of 2020 Extended School Year Program services for a special needs student as per the IEP. Registered Behavior Technician support services were provided for 304 hours at a rate of \$55.00 per hour (\$16,720.00). In addition, Board Certified Behavior Analyst supervision services were provided for 60 hours at a rate of \$105.00 per hour (\$6,300.00). Funding will be paid from the Special Education Budget and shall not exceed a total of \$23,020.00.
13. **Chester County Intermediate Unit – Downingtown, PA.** Provide psychology services during the 2020-2021 school year plus additional psychology support as a result of the overflow of evaluations and re-evaluations that were unable to be completed in the spring of 2020 due to COVID-19. The total cost shall not exceed \$90,975.72 with \$45,500.00 coming from the Special Education Budget and \$45,475.72 being an unbudgeted expenditure that will come from the Unassigned Fund Balance.
14. **Chester County Intermediate Unit –** Provide psychology services for 14 weeks of the 2020-2021 school year due to the overflow of evaluations and re-evaluations that were unable to be completed in the spring of 2020 due to COVID-19. This is an unbudgeted expenditure and will be initially funded from the Unassigned Fund Balance and shall not exceed \$51,775.00.
15. **Capstone Academy LLC – East Norriton, PA.** Provide educational and related services for 3 special needs students during the 2020-2021 school year as per their IEPs. Funding will be paid from the Special Education Budget and shall not exceed a total of \$255,552.00.
16. **Personal Health Care, Inc. – Valley Forge, PA.** Provide nursing services during the school day and/or on transportation during the 2020-2021 school year. Funding will be paid from the Special Education Budget and shall not exceed \$55,860.00.

17. **Pediatric Therapeutic Services, Inc. – Conshohocken, PA.** Provide additional behavior support to the full-time autistic support classes at Limerick Elementary School. Board Certified Behavior Analyst services including supervision, training and programming will be provided for up to 820 total hours at a rate of \$78.99 per hour. Funding will be paid from the Special Education Budget and shall not exceed \$64,771.80.
  18. **Spring-Ford Family Practice (Pottstown Medical Specialists, Inc.) – Pottstown, PA.** Perform state mandated school physical examinations, provide standing orders and consultation regarding school-based medical issues during the 2020-2021 school year as requested by parents/guardians. Funding will be paid from the General Fund and shall not exceed \$20.00 per student physical.
  19. **Access Service – Fort Washington, PA.** Provide an assembly entitled “Hope 4 Tomorrow” for 9<sup>th</sup> grade students prior to the Question Persuade Refer (QPR) Training. This assembly is specifically geared to educate students about mental health and suicide. The goal is to engage students and foster discussion and thoughts about their own mental wellness and supports as well as awareness of resources in the school and community.
  20. **Access Service – Fort Washington, PA.** Provide Question Persuade Refer (QPR) Training for 9<sup>th</sup> grade students to help them learn to recognize the warning signs, clues and suicidal communications of people in trouble and gain skills to act vigorously to prevent a possible tragedy. There is no cost to the district for this student training.
- E. Administration recommends approval of an addendum to the contract with Education Alternatives for ABA, LLC in King of Prussia, PA originally approved in August 2019. This addendum is necessary due to the additional 24.50 hours provided for a special needs student as per the IEP by a Board Certified Behavior Analyst (BCBA). Funding will be paid from the Special Education Budget and shall not exceed \$2,327.50.
- F. Administration is recommending the extension of the Confidential in Lieu of FAPE Agreement (#2019-04) previously approved in August 2019 for one year with the parents of a special needs student and the authorization of the payment of tuition to the Stratford Friends School. This extension is needed due to the district’s inability to determine FAPE via an evaluation as a result of COVID-19. Funding will be paid from the Special Education Budget and shall not exceed \$43,000.00.
- G. Administration recommends approval of a Letter of Agreement between Creative Health Services, Spring City, PA and the Spring-Ford Area School District. Creative Health will provide SAP Liaison assistance including the provision of consultant services, student assessments and parent assistance based on the Student Assistance Program (SAP) referrals and student support groups for the 2020-2021 school year. There is no cost to the district for these services.
- H. Administration recommends approval to renew the membership with the Delaware Valley Consortium for Excellence & Equity (DVCEE) for the 2020-2021 school year. The DVCEE is a collaborative network of metropolitan school districts in PA, DE and NJ that have committed to learn and work together to support and nurture the school and life success of all their students. The membership fee for 2020-2021 is \$11,000.00 and will be paid from the Superintendent’s Budget.

**VII. PROGRAMMING AND CURRICULUM**

Mrs. Melton asked where the contracts stood with regards to Letters B and C and if the solicitor had the chance to review them yet. Mr. Fitzgerald advised that they are in the completion mode of it and will be finalizing.

Letter D will not be on the agenda next week as it was voted on this evening.

- A. Administration recommends approval of the 2020-2021 Title I, Part A, Federal Programs Grant – Improving Basic Programs, in the amount of \$577,891.00, the 2020-2021 Title II, Part A, Federal Programs Grant – Supporting Effective Instruction, in the amount of \$147,931.00, and the 2020-2021 Title IV, Part A, Student Support and Academic Enrichment Grants, in the amount of \$23,118.00.
- B. Administration recommends the purchase of one year access to Seesaw for Schools from Seesaw Learning, pending contract approval by the solicitor's office. Seesaw will support virtual instruction by providing K-2 grade-level appropriate lessons and interactive content. Funding will come from the Curriculum Budget and shall not exceed \$9,900.00.
- C. Administration recommends entering into a one year license agreement with Nearpod Inc. for Nearpod Lesson Library and Social & Emotional Learning Software, pending contract approval by the solicitor's office. Funding will come from the Curriculum Budget and shall not exceed \$29,808.00.
- D. The Administration recommends approval of the application and participation in the Spring-Ford Area School District's Flexible Instruction Day Program for the 2020-2021 school year, with the option for Administration to extend for an additional two years, consistent with Section 15-1506 of the Public School Code of 1949. In approving this program the Administration is so authorized to take any and all necessary steps to effectuate implementation of the program. **(Attachment A7)**

**VIII. CONFERENCE/ WORKSHOP RECOMMENDATION**

There were no questions or comments.

- A. **Brian Aikens**, Emotional Support Teacher, Upper Providence Elementary, to attend the virtual *"Relaunching Relationally Roadmap Training"* on July 23, 2020 via Zoom. The total cost of this training is \$79.00 (registration). There are no other costs to the district as this training is held virtually.

**IX. OTHER BUSINESS**

There were no questions or comments.

- A. Board approval is needed for the appointment of **James D. Fink**, Chief Financial Officer, to the Office of Board Treasurer of the Spring-Ford Area School District Board of Directors for the term of one (1) year, effective July 1, 2020.
- B. The following policy is being brought forward to be rescinded and retired:
  - 1. Policy #810.1 – OPERATIONS: Video Monitors **(Attachment A8)**
- C. The following policies are submitted as first readings:
  - 1. Policy #103 – PROGRAMS: Discrimination/Title IX Sexual Harassment Affecting Students **(Attachment A9)**

2. Policy #104 – PROGRAMS: Discrimination/Title IX Sexual Harassment Affecting Staff (**Attachment A10**)

**X. BOARD COMMENT**

Dr. Wright asked for verification that there was a plan in place for extracurricular activities and band to begin and Dr. Goodin confirmed this was correct. She asked about the Tech Club and if this was slated to begin and Dr. Goodin responded that the only obstacle would be if the club was still looking for an advisor to oversee the club. Dr. Wright requested that the information on student mental health resources be moved to the forefront of the district's website to make it easily accessible. She wished the students and teachers good luck with the beginning of the school year.

Mrs. Melton commented that Mr. Jackson had stated that the board should meet more frequently and she asked if he would like to meet weekly to which he replied yes that they should be meeting as much as humanly possible. Mrs. Earle agreed that she would prefer to have multiple shorter meetings but it would just be a matter of when they would have to be scheduled due to the committee meeting schedule. A suggestion was made for the board meetings to take place every other week and not necessarily on the last two weeks of the month.

Mr. Jackson spoke about the numbers of parents who have many questions and the need to provide answers to their questions and allowing them to come to board meetings and speak. He stated that this will just improve the dialogue.

Dr. Goodin offered his apologies to the board and specifically Mr. DiBello saying he did not want to be offensive to them by raising his voice.

Mr. DiBello asked if the Chromebook requirements were ever put up on the website so it was easy for parents to find and the response was yes.

Mrs. Fern asked that she be notified of the dates the board wants to meet so that a legal notice can be run since the meetings were not normally scheduled ones. Mrs. Zasowski stated that the board will think about this and then come back next week and firm this up.

Mr. Jackson asked if any reference has been made to the status of the teachers and Mrs. Zasowski replied that there was a statement that went out and was shared with the board in their weekly memo. Mr. Jackson commented that he was talking about the community as they need to know. Dr. Goodin responded that the staff was notified but he is not sure that anything went out to the community. Mr. Jackson felt that this information should be shared with the community. Ms. Crew advised that the notification can go out and that it is typically shared in a weekly update or back to school newsletter that will be coming out this week. Mr. Jackson felt that this should happen.

Mr. DiBello asked about the notification and what that entailed and Dr. Goodin replied that the teachers were notified that they had flexibility with regards to where they will work from but that they were urged strongly to come in but there is an understanding that they all have individual circumstances. Mr. Jackson again asked that parents also be notified.

**XI. PUBLIC TO BE HEARD**

**Kelly Olsen, Collegeville**, commented that kids are not social distancing and have not been doing it all summer. She stated that sports are going full-force and have been all summer without one deadly outbreak. Mrs. Olsen suggested that there may already be



a large immunity to this so it hopefully may not be as big of a deal in the fall. She asked that another better survey be sent out that would take count of every single student to see if they would come back. She felt that possible the district would find that they would have a smaller population to work with. Mrs. Olsen suggested that possibly the seniors could be the first students in. She encouraged the administration to continue to work and strive for better as their efforts are appreciated but this is Spring-Ford and a high level is expected. She asked that they not throw their hands up as the students need them.

**Roland Olsen, Collegeville**, stated that Mrs. Melton made some great points earlier with finding out what the challenges are and suggested that they get to work as a group on these issues. He stated that Dr. Goodin's team is under a great deal of pressure with limited resources. Mr. Olsen suggested marshalling everyone's efforts and thoughts. He advised that they are fielding texts and emails from people who have ideas such as brown bagging half of the class while the other half get a hot lunch if they want. He added that not every kid needs a hot lunch so why do we even need to use the cafeterias. He advised that Pottstown brown bags all of the kids so we could keep a portion in their classrooms and a portion in the cafeteria.. Mr. Olsen stated that if there are not as many kids coming to school because they want to stay in red then there is that much less that we have to worry about so we may go from 700 in a lunch period to 350 in a flash. Mr. Olsen commented that there are a lot of highly motivated parents who want their kids back in school and feel like they have no voice; they want to be part of the solution not complainers, they want to be involved so give them so give them things like this to work on. He urged the board to throw challenges out to the public and let them help as they will come up with some good ideas. He expressed hope that they all can continue to collaborate and get the kids back in school safely and effectively.

**Gabrielle Deardorff, Royersford**, commented that it seemed like progress had been made but seemed like progress had been made where the board all seemed to be on the same page in previous meetings and then today was a mess. She stated that Mr. Jackson had told Dr. Goodin that he should tell the board now if this is not going to work and she encouraged him to say it is not going to work. Ms. Deardorff stated that the kids cannot go back to school in November in-person when flu season is about to hit. She added that they don't want to understand and accept that fact. She clarified that she was speaking about certain Board Members not all of them saying they are complete denial about the science of what is going on and felt this was the same about some parents. Ms. Deardorff felt that they think because she does not want her child in school that she is okay with and supports red and that she is not devastated that her child won't be there. She stated that it is a joke and they are wasting everyone's time.

**Mary Jo Mcnamara, Royersford**, stated that she was encouraged by tonight's meeting until slide 4 or 5 of Dr. Goodin's presentation where she felt they stepped backwards. She commented that they have a saying in her industry that says you take the happy path when trying to define a solution; you define the goal, the assumptions, the risks and dates and bring them forward to mitigate. She urged public forums and to let parents be involved in solutioning in some manner. Ms. Mcnamara added that the perceived view of the board is rejecting solutions by parents and not allowing question and answer periods. She stated that she believes the longer we stay out the bigger the divide between students as parents who have the resources are hiring teachers and creating pods where parents who do not have the resources are stuck working and trying to take care of their preschoolers and those children that are in school. She added that there will be an advantage that will happen so the longer you stay out the bigger the divide will be. Ms. Mcnamara stated that we have to get the kids back in school and she urged them to use the survey results which indicated 54%

said they would come back so the population is in ½ already. She suggested another survey be sent out if a better count is needed. She stated that the community is brilliant and have good ideas and they can solve this.

**Eric Adie, Royersford**, encouraged the board to start moving forward and if the first marking period is virtual to use this time to get the kids, parents and teachers all of the information they need as well as the equipment they need. He stated that if Wi-Fi is the problem then expand the broadband and allow kids to park in the parking lot using every other space so they can learn there. He commented that if the second marking period comes us and you are still virtual then tweak what you learned from the first marking period but have a plan in order in case you do go back. Mr. Adie stated that if lunch is a problem and you cannot figure it out then get rid of it and put the entire student body on a modified kindergarten schedule 7-12:30 and provide a morning snack that is delivered to the classrooms and kids that rely on the school district for their only meal of the day then send them home with a bag lunch. He added that when the third marking period comes around if you are still virtual then re-tweak again and then branch out on what you did in the second marking period. He stated that they need to start with an idea and then branch out or debunk it and repeat as necessary. He commented that as everyone had said the information is changing daily so in his opinion the board should all be available weekly.

**Sarah Daunoras, Royersford**, thanked Dr. Goodin for his leadership and his hard work over the summer and said that she can see he is putting safety first for students, teachers, staff and the wider community. She commented that everything about school is being reinvented right now by administrators, teachers and parents and everyone is faced with making impossible choices right now. Ms. Daunoras stated that as disappointed as she is she feels it is necessary to move back the date for the start of school and supports the changes in order to allow the technical department more time to prepare and deploy the technology and the teachers more time to prepare the virtual presentations for their classrooms for Canvas. She added that the board made the decision to allow the purchase of Canvas a month ago and the teachers only received training last week. She commented that if we have such high expectations of the lessons they will be delivering virtually then they owe it to them to give them more time. Ms. Daunoras stated that Mr. DiBello's behavior tonight is unacceptable as he was being abusive of the administrators and fellow Board Members. She asked him to step back, listen and try to understand. She stated that if anyone else would have suggested bringing in trailers to expand square footage in school buildings he would have been the first to vote against that increased cost. Ms. Daunoras said that setting an arbitrary date to return to school is reckless as November is the start of seasonal flu and she asked that he adjust his expectations. She stated that they would all like to have kids back in school but not if it is not safe and that a global pandemic does not bend itself around the school calendar or wishful thinking. She urged the board to allow Dr. Goodin and his administration to do their work without micro-managing and added that they do not need the added hours of extra meetings with the board when they and the teachers are already working far beyond their normal hours. Ms. Daunoras commented that every time she watches a board meeting she sees administration present their work and then she sees the board ask them to change everything. She felt that this is what has slowed down the process of planning this summer and this is why the start of school had to be moved back.

**Kate Doyle, Collegeville**, stated that if they are concerned over the emotional and mental wellness of students under the circumstances created by the pandemic then she urged them to please consider the recommendations of the AAP, CDC, AMA, Pennsylvania Psychological Association and other numerous medical organizations and have grades 7-12 bell schedules start at 8:30 a.m. or later. She added that with no need to coordinate

bussing, the district has the flexibility to start school at a time that enables students to achieve the sleep they need for optimal mental and physical health. Ms. Doyle added that despite all of the challenges that distance learning posed in the spring it appears that one of the unexpected benefits that they may have read about in articles in May and June may have been that a majority of teens seem to have met their biologically required sleep needs likely associated with later school start times established during distance learning at Spring-Ford and across the nation especially in schools in Montgomery County. She asked that the Board encourage teachers to work at the location that is best for them and their families and avoid any pressure to teach in the school building.

**Heather Staley, Spring City**, commented that she believes the board needs more collaboration as someone stated earlier that there are a lot of people who have a lot to offer. She advised that she is a designated infection control officer and heard several things that are not what the CDC is saying. Ms. Staley stated that there is a lot of information out there as well as a lot of misinformation. She added that we can get these kids back to school and it can be done safely but you need to have people who can help you navigate it. Ms. Staley said she has 20 years of experience of doing that as a first responder as well and she is here in the district and is more than willing to help for free. She stated that mentally this is killing kids and she spoke of her own experience with her daughter. She added that kids especially at the middle school level need to have some interaction with teachers, staff and students. Ms. Staley said she agreed with a lot of what has gone on tonight but that she also thinks that people need to understand that it is not just the administrators and the board as other districts like North Penn have had their parents involved in a lot of their committees and she believes this is what Spring-Ford is lacking and this is why a lot of parents are upset. She felt that if they can be part of the solution there would not be as much upheaval and there would be more ideas on the table.

**Lauren Rafter, Schwenksville**, thanked the board for voting on postponing the start of school until September 8<sup>th</sup> as she feels this was the right decision and will set them up for success better than starting school in two weeks from now. Ms. Rafter asked Mr. DiBello and Mr. Jackson to please have some respect and trust in their administration team who have clearly worked tirelessly on their plans for this school year during a global pandemic where nothing is ideal. She added that the constant disrespect, condescension and arguing must stop. She stated that the teachers on the front line are the ones who need to be prepared to teach our 8,000 children in this district so please include them in the decisions in the future by asking them what they want and trust administration in what they are saying as to what each school's leadership and teachers want. Ms. Rafter suggested that the board hold a pre-meeting before the board meeting to all get on the same page, have a plan in place prior to the public board meetings and prioritize things. She stated that they spent so much time tonight trying to figure out the plan for November 12<sup>th</sup> and beyond when there is not even a plan in place for the start of school. She felt the time would have been better spent figuring out the distribution of materials, issues or challenges with the teacher's union, device distribution, teacher training, the meet the teacher plan and the myriad of other things that need to be figured out for the 8,000 students that are starting back in just three weeks all of which parents, teachers and administrators have no answers to.

**Wes Martz, Royersford**, commented that he is amazed that they are using some sort of geometric equation to figure out how many kids can fit in the school and be six feet apart. He stated that the suggestion of trailers is wild. Mr. Martz added that these kids are teenagers and you cannot possibly ask staff to them to enforce mask wearing and social distancing. He commented that they were all teenagers once and they will be making out in hallways, vaping in bathrooms and you cannot actually expect that these kids are going to respect these guidelines. He asked the board not to be ridiculous and asked them to

understand who they are dealing with as kids will be kid so we will not be able to enforce all of the stuff.

**Kim Huston, Royersford**, stated that she wanted to talk about the discussion on hybrid versus why we cannot bring students back full-time. She referenced a comment that Mrs. Zasowski said regarding Spring-Ford not being able to mitigate this due to our numbers and she asked how schools such as Souderton make this work. She advised that right now Souderton High School had 2200 9<sup>th</sup>-12<sup>th</sup> graders where Spring-Ford has approximately 2500. Ms. Huston added that Souderton can make this work and bring back their kids five days a week and give their families an option of virtual if they are not comfortable. She asked why Spring-Ford administrators and board cannot meet with Souderton to see how they are planning to make it work. She advised that Souderton is bringing in tents for outdoor seating to ensure the social distancing and heaters if they are needed. She suggested thinking outside of the box to make this work especially if the cafeteria size is one of the main reasons that hybrid is being considered for the start of the second marking period. Ms. Huston urged the board to check out some of the other districts for some of their ideas and see how we can leverage some of their creativity to try and get this to work and ensure that our Spring-Ford kids can get back five days a week.

**Erica Love, Royersford**, stated that her comments are mostly directed at Mr. DiBello saying she was having a hard time understanding his logic as he voted for the red plan as it was the safest option but now she keeps hearing the phrase bring kids back as soon as possible when it really should be bring students and teachers back when it is safe and makes sense. Ms. Love commented that theoretically you can bring all of the kids back now but they will only be sent home again as happened down south and in universities that tried to start in person. She stated that the sources she heard being cited were just parents doing random things, other schools and she is not hearing sources from credible resources and experts on the topic. She added that this is health and people's lives that are at stake so they should be listening to actual experts in education and health care and not just random people and the loudest voice in the room. Ms. Love voiced her support for later start times because she hears a lot of claims about the mental health of students but does not see a lot of action in place to help the students have the best year as they possibly can.

**Victoria Karalius, Collegeville**, urged the Board Members to listen to the recommendations of experts whom she said are the staff and administration. She added that Dr. Goodin proposed in his plan today that at the start of the second quarter the hybrid plan would be manageable. She stated that a couple Board Members asked really good questions in wanting more details and she wondered how they can get students to have more live classes or see the teacher more per week than maybe two days a week. She suggested that possibly having dialogue in collaboration with each other several times a week rather than arguing with each other and taking up valuable time would be better. Ms. Karalius commented that one issue raised with hybrid was that students would only have real-time with teachers two days a week and she asked about the possibility of having cameras in the classroom to allow teachers to teach live so that students could see teachers everyday. She felt that some Board Members were trying to run before they walk and felt that they needed to possibly crawl and practice to make sure we can do one plan before we jump ahead. She asked the board to listen to administration, experts and staff and ask them detailed questions as she felt that many are looking for quick solutions to get student in when it is really not practical with the CDC and the suggestions of health experts as well. Ms. Karalius stated that safety comes first.

**Michael Lebieczinski, Royersford**, stated that the head of the CDC has been stating for weeks that there is no problem with in-person instruction. He advised that Montgomery County has had a total of 16 deaths in the last 54 days with only 1 day having more than 1 death. He added that it has been 11 days with no deaths and 18 straight days with less than 50 new cases in a county with 850,000 people. Mr. Lebieczinski stated that we really need to look at the actual numbers and added that he is not sure what kind of bubble some people are living in that they think this pandemic is getting worse as it has been getting better since the middle of April and in fact it is likely that in the next couple of weeks that CDC will declassify this as a pandemic. He added that by the time we get back to school it is very likely that Montgomery County and Spring-Ford will be in the low strata with PDE. Mr. Lebieczinski commented that he felt that to be not thinking full instruction no later than November which is three months away is just being completely ignorant of the numbers.

**Annie Schlichter, Spring City**, thanked Dr. Goodin for his presentation and commended him on making the recommendation to open in the red phase and added that not a lot of people are living in bubbles as referenced by the last caller. She stated that she does not want to be part of that .0001 % or whatever the numbers are that her kids get sick. She added that she has an 11<sup>th</sup> grader and a senior this year and she is happy with the Phase and okay with the plan. Ms. Schlichter expressed that she felt that Dr. Goodin was extremely humble in apologizing the way he did to Mr. DiBello and she felt that Mr. DiBello's response to him was horrid and she was very disappointed because she is team DiBello as he has made some great points but she was completely disgusted by that. Ms. Schlichter stated that all of the arguing is absolutely discouraging, the parents are worried, she is worried, the community is worried and the board spent the majority of the meeting arguing about the 2<sup>nd</sup> marking period when they haven't even reached the 1<sup>st</sup> marking period and what they are all doing. She again expressed that she was very disturbed by this meeting and then she cheered on Dr. Goodin saying he did great this evening.

**Christine Grines, Royersford**, thanked Dr. Goodin, High School Principals and Board for allowing senior to take the SATs on August 29<sup>th</sup>. She stated that she feels the bottom line is that collaboration is needed as it is desperately missing and they need to have parents involved. Ms. Grines commented that we have a very smart school district and there are parents out there and even community members that have ideas that could actually be put into place to bring the kids back. She referenced the caller who indicated that kids would not follow rules and will be smoking in bathrooms and asked that he give the kids more credit than that as they want to be back in school. Ms. Grines stated that it is ridiculous the amount of bickering that is going on but it is also ridiculous the amount of fear mongering that is going on. She commented that if you want to talk about statistics and the fear then how about the mental health of these kids. She advised that the CDC says these kids should be in school. Ms. Grines added that she thinks it is very unfair to continuously point out the actions of one or two Board Members when she feels everyone is at fault. She wanted to publicly say she supports Mr. DiBello and thanks him for all he is doing and the same for Mr. Jackson. Ms. Grines stated that this is very hard times for everyone and just because someone has an actual opinion that may differ from yours does not make it wrong.

**Kari Zarynow, Collegeville**, commented that she just wanted to thank Mr. DiBello for speaking on behalf of so many families and so many of them that cannot be present and that he is appreciated and valued. She next thanked the Olsens for being at the meeting as so many of them want to be here. Ms. Zarynow stated that they just want their kids back, want Spring-Ford to be proud of all of them, want the community back and everything back and she feels this can be done safely.

**Erica Hermans, Royersford**, stated that even though the motion carried with regards to public school transportation for private school students, she was upset with the Board Member who commented that if they elect to come out of our school district then they should elect to pay for their own transportation. She added that this comment was said in spite of the fact that the transportation cost was already a sunk cost. Ms. Hermans commented that another Board Member asked if there was a reason why we would not transport our kids that are part of our community who have chosen to get an education elsewhere. Ms. Hermans asked which of the statements was inclusive and which one was divisive and punitive? She stated that she has had 3 kids in Spring-Ford; two who will probably graduate from Spring-Ford and one who she chose to put into private school for personal reasons as it was the best choice for him. She urged that they continue to lift up all families in Spring-Ford and not the ones that some feel just deserve it.

**Leigh Yeager, Schwenksville**, expressed concern on the change to the 7-12<sup>th</sup> grade schedule. She stated that with the kids being online for 7 hours per day and then the potential for up to 3 hours of homework at night as they could be looking at 10 hours per day for the kids on the computer. She said this is a concern for her and that she cannot believe that on August 17<sup>th</sup> she is looking at a different educational situation for her children and where to place them next. She asked the board to please take this into consideration.

## **XII. ADJOURNMENT**

Mrs. Earle made a motion to adjourn and Mr. Jackson seconded it. The motion passed 9-0. The meeting adjourned at 11:05 p.m.

Respectfully submitted,

Diane M. Fern  
School Board Secretary

**Pamela Santos Mon 8/17/2020 8:40 PM**

I am in Region One. I am not able to find the email addresses for the board members that cover my region. They are Dr. Margaret White, Wendy Earle and Linda Sullivan. I am very disappointed that the the school administration and teachers are not able to get themselves ready to begin school on time. I feel that there has been plenty of time for this school district to obtain the necessary programming and training for the teachers. It's embarrassing that our school district seems to lag behind all the other school districts, except Philadelphia, to get their act together. Next things that will happen is another request for a delay, please stop dragging your feet and get your act together!

**Kim Wallace Mon 8/17/2020 9:27 PM**

Please consider the following to get kids back to school:

- Cafeteria - please keep students at their desk, deliver brown bag lunches, pass them out.
- Hallway - Instead of running classes 1-7 every day, run 1-4/5-7 day 1 and day 2, longer/double periods each. Reduces number of class exchanges.
- Hallway - INCREASE the length of time to change classes and release students in 3 phases - A-G, H-R, S-Z, 3 minutes each, then next group goes, and then the last. This reduces the hallway traffic to 1/3.
- In Hybrid plan, why cannot those that are at home, live virtually with those kids that are in class? This way there is continuity of lessons for all students in each class.

Thank you for your consideration.

Kim

**Mon 8/17/2020 9:35 PM**

We are working parents who cannot work from home full time. My son was at summer camp all summer and no one got sick. We have had to find childcare for our son for the virtual first marking period. So our son will have to go to the YMCA. How is that safer than going to school? Now we have to find care for an extra week? How are the teachers not ready?

Who is helping the working parent? According to the board they are trying to keep kids safe but what about the kids going to a childcare center? Any concern for their safety? I have not heard anyone discuss this.

Thank you,  
Sara Trigger

On August 24, 2020 the Board Meeting of the Board of School Directors of the Spring-Ford Area School District was called to order at 7:30 p.m. in the cafeteria of the Spring-Ford High School with the following in attendance:

Region I: Wendy Earle, Linda C. Fazzini and Dr. Margaret D. Wright  
Region II: Clinton L. Jackson and David R. Shafer  
Region III: Thomas J. DiBello, Christina F. Melton and Diane C. Sullivan  
Presiding Officer: Colleen Zasowski  
Superintendent: Dr. David R. Goodin  
Chief Financial Officer: James D. Fink  
Solicitor: Mark Fitzgerald, Esq.  
Student Reps.: Eshika Seth

#### **ANNOUNCEMENTS**

Mrs. Zasowski reminded the public of the process for the meeting and for making public comments at the beginning and end of the meeting. She advised that the Board met in an executive session prior to tonight's meeting to discuss personnel.

#### **I. PUBLIC TO BE HEARD ON AGENDA ITEMS ONLY**

**Roland Olsen, Collegeville**, commented that he had left the last meeting with hope to achieve positive momentum for getting back in school. He questioned why Mrs. Melton's challenge list for Dr. Goodin, Mr. Shafer's Ad-Hoc Committee, the Council's list of proposed solutions, the student survey, a detailed and updated report on where the teachers stand on returning to school, and a detailed project plan on returning to school as requested by the board from the administration were not on tonight's agenda. He expressed hope that all of these items are discussed tonight. Mr. Olsen stated that he was glad to see that CHOP doctors were joining tonight's meeting and looked forward to their presentation. He added that CHOP has had success in mitigating COVID in their operations and our students, parents and teachers should gain confidence that we can do the same. He referenced businesses frequented by the public and how they have managed to operate without the spread of COVID taking place. Mr. Olsen commented that although the public will not be able to ask the doctors questions he hoped they would be able to address the reality that there are many non-healthcare businesses running safely and successfully and schools can as well.

**Michael Lebie dzinski, Royersford**, stated that he understands we will be hearing from scientists tonight who are going to discuss data models. He felt it would be helpful to the board, administration and parents for someone to summarize the historical accuracy of just a few of the data models that were used to determine COVID-19 public policy around the world so that their future decisions can be informed from the past credibility of these so-called models. Mr. Lebie dzinski spoke of the data models released by Neil Ferguson from the Imperial College in London, the Institute for Health Metrics and Evaluation and the Children's Hospital of Pennsylvania along with the University of Pennsylvania and questioned the credibility of the data they reported. He stated that past performance is not an indicator of future results and in a world of predicting virus



outcomes the track record of guessing is clear as not a single data model published since March 2020 was even close to predicting the spread of COVID. He asked that everyone take past results into account when judging the effectiveness of the so-called data models.

**Mary Jo Mcnamara, Royersford**, asked the board to continue to consider a public outdoor forum or a forum that allows additional folks in the room where a question and answer session can be entertained. She also asked the board to address and share the challenges being faced so that they can be specifically be identified so a path can be determined going forward for a solution to those challenges.

## II. PRESENTATIONS

Mr. Rizzo advised that Social Emotional Learning has been a big push for the district in the last two years and he introduced Ms. Hammond and Ms. Purdy and asked them along with the students present virtually to speak about the program.

Ms. Hammond spoke about her work with Aavidum and Resiliency over the past 7 years. She spoke of the purpose and benefits of these programs. Ms. Purdy spoke of her involvement with these programs over 8 years and she introduced the students presenting tonight who have been involved for several years and play important roles in the Social Emotion Learning (SEL) Program at Spring-Ford. Students, Hannah Sodicoff and Aurora Ferguson, spoke of SEL and how it is implemented into the classroom. Syl Kailey and Katherine Black provided an overview of what Social Emotional Learning is, the benefits of SEL as well as the benefits of the Resiliency Club and Aavidum for students. Cameron Wilson spoke of the need to integrate SEL into the curriculum this year not only at the secondary level but beginning at kindergarten.

A question was raised on how this will continue to run through the first quarter with the district opening under a virtual plan and Ms. Hammond provided the details for the SEL Program to be incorporated into the virtual school day.

- A. **Susan Hammond and Alynn Purdy**, Teachers, along with **Spring-Ford Area School District Students** to present on the Social Emotional Learning Program at Spring-Ford.

Dr. Coffin and Dr. Matone introduced themselves and provided their qualifications and roles at The Children's Hospital of Pennsylvania. They spoke of the COVID incidence rates and what it will take to reopen schools safely, what it will take to keep them open and have a successful school year. They spoke of the impact to students with virtual learning especially students with special needs and the younger elementary students. Drs. Coffin and Matone spoke about and engaged in dialogue with the board in response to questions on students wearing masks, 6 foot social distancing, and how to differentiate between allergies, flu and COVID, whether kids can be carriers, contact tracing, quarantining and in the event a COVID case or outbreak information that will need to be reported to the Health Department.

- B. **Dr. Susan E. Coffin**, Professor of Pediatrics - Division of Infectious Diseases at CHOP, and **Dr. Meredith Matone**, Associate Professor of Pediatrics at CHOP, to speak about Key Ingredients for a Successful School Opening.

Mrs. Benner presented a PowerPoint that highlighted the Future Planning Center events during the 2019-2020 school year as well as the accomplishments of the Class of 2020 including their reported post-secondary plans. She advised that due to COVID and school closures some students have since changed their plans and have elected not to go away to college for their first year but rather attend the local community college. Mrs. Benner advised that this year the Future Planning Center has gone virtual in order to provide assistance to students.

- C. **Tricia Benner**, College Career Coordinator, to provide a Year End Update on the Future Planning Center and the Accomplishments of the Class of 2020.

### III. **BOARD AND COMMITTEE REPORTS**

#### **Superintendent's Report     Dr. David Goodin**

Dr. Goodin reported that the world finds itself in the midst of a global pandemic and to limit the spread of COVID-19 large gatherings have been limited or eliminated with sporting events, concerts, even restaurants and bars have limited capacities. He stated that schools have also been impacted by the need to limit capacity within school buildings and faced with limited space to ensure social distancing of a minimum of 6 feet, many schools have opted to open virtually or limiting capacity by alternating days for students. Dr. Goodin advised that last week the board asked him to identify some of the areas of concern for bringing students back full-time. He stated that one of the biggest issues he sees is that full in-person learning does not allow for 6 feet social distancing which is imperative along with mask wearing to prevent the spread of COVID-19. He added that it also encourages social mixing due to there being too many people in the same place at the same time such as busses, halls, entrances, exits, and cafeterias. Dr. Goodin commented that decreased social distancing plus increased social mixing equals greater risk to the Spring-Ford community. He reported that the district is currently working with ICS to develop spacing layouts for each building in anticipation of full in-person learning which should be done within the next two weeks. He advised that seating in the cafeterias will be an issue with full in-person learning since under the hybrid plan we plan to use student desks as only half of the students would be in the classrooms. Dr. Goodin stated that in-person learning would cause the district to have to look at the challenge of providing adequate seating to ensure 6 feet distancing in our cafeterias. He commented that a lot of these are logistical issues and they would like to start making operational/logistical issues part of the Property Committee meetings in order to vet out the issues and solutions going forward. He added that in addition to the spacing issue and achieving the 6 feet social distancing, a person exposed to an individual with COVID-19 must quarantine for 14 days possibly longer if they develop symptoms during the quarantine or if living in the same home as an infected person, therefore, increased quarantine equals increased absences from school equaling interruption in education. Dr. Goodin said this leads us to the next area of concern and one that we must focus on and come up with a plan for which is if all education is in-person then how are we going to educate the many quarantined students during their two week exclusion. He added that other areas of concern are that contact tracing becomes more difficult with increased social mixing, the capacity of designated isolation rooms may not be sufficient as full student capacity, staff supervision of students in multiple locations during lunch periods, the loss of gymnasium spaces to accommodate social distancing during lunch, student pick up and drop off congestion, and the ability to maintain adequate staffing.

Mr. DiBello stated that only two of the concerns mentioned by Dr. Goodin would fall under the Property Committee and he made a motion to activate the Ad-Hoc Committee to meet with the parent groups, understand their positions, understand their concerns, bring specific questions that parents have and possibly reduce the angst in the community and be able to communicate more effectively. Mrs. Zasowski seconded the motion.

Discussion took place on how to get a fair representation of the community at the meeting, and the reasoning behind the need for the Ad-Hoc Committee to take this on. The public was urged that if they want to be heard then they should either come out to the meeting, contact a member of the committee or attend the meeting virtually.

The floor was opened up for public comment on Mr. DiBello's motion.

**Dan Mayo, Royersford**, expressed that he was encouraged that the Board was talking about establishing the Ad-Hoc Committee to reach out beyond the administration and the Board to get more than just a two-minute public comment period to where there can be ongoing dialogue with parents. Mr. Mayo added that he supported this.

**Danielle Folino, Mont Clare**, stated that she fully supports the use of the Ad-Hoc Committee for this purpose and feels it is extremely important that there is ongoing dialogue and not just emails going back and forth or statements being made in public but an rather an active dialogue with the community. She expressed hope that the board moves forward with this motion.

**Rachel Kerchner, Phoenixville**, commented that the 120 second monologues are completely ineffective as a way of involving and communicating with the community members. She stated that it allows for zero actual dialogue without which there is no effective communication occurring. Ms. Kerchner added that if the board truly respected and wanted to cultivate the relationship between them and all of their community members they would establish a mediated forum for them and the community to come together in order to engage in meaningful dialogue. She felt that currently they are speaking at each other and they need to be with each other. She stated that she supports the Ad-Hoc Committee.

The motion passed 9-0.

Dr. Goodin informed the board and the community that the special education supervisors have notified families of low incidence students that they will be providing in-person instruction beginning on September 14<sup>th</sup>. He added that the supervisors are planning to add additional students every two weeks following depending on individual student needs.

Discussion took place by the board on the district sending out a parent survey asking for parent commitment on their plans to send their children back to school if the state criteria was met and the district plan was to provide in-person learning. Also discussed was the timeline for sending this survey out. In addition, discussion took place on the need for a teacher survey to be conducted. Dr. Goodin asked for clarification on when the survey to families was to be sent out and the majority of the board said September 28<sup>th</sup>. It was determined that the teacher survey would go out on September 14<sup>th</sup>. Mr. Fitzgerald stated that he felt the teacher survey needed more deliberation as to what was going to be asked as there are a number of questions that could be posed vis-à-vis leave rights that they may have to the extent that we do come back at a certain date. Discussion took place on the flexibility of the district and the expectations of staff on choosing to work from home or in-person if the district were to return to live instruction. Mr. Fitzgerald advised that further discussion should be done in an executive session on this topic. The conversation was tabled.

Mr. DiBello commented that he did not feel there was a lot of experience in project planning and he suggested that the board consider bringing in a project management consultant to build out true project planning and all of the specifics that go along with that. Mr. Jackson suggested that possibly this discussion could be conducted with ICS since they are already on board and looking at the logistic challenges that we currently have. Dr. Goodin was charged with reaching out to ICS along with Mr. Hunter and bringing the information to the Property Committee to discuss further.

**Solicitor's Report**

**Mark Fitzgerald**

There was no report.

**IV. MINUTES**

Mrs. Fazzini made a motion to approve Items A-C and Mr. Jackson seconded it. The motion passed 9-0.

- A. The Board approved the July 13, 2020 Special Board Meeting minutes.  
**(Attachment A1)**
- B. The Board approved the July 20, 2020 Special Board Meeting minutes.  
**(Attachment A2)**

**New Minutes**

- C. The Board approved the July 27, 2020 Special Board Meeting minutes.  
**(Attachment A3)**

**V. PERSONNEL**

Dr. Wright asked that Item K be separated.

Mrs. Earle made a motion to approve Items A-J and Mrs. Fazzini seconded it. The motion passed 9—0.

**A. Resignations**

- 1. **Cristin M. Arbaugh**; Instructional Assistant, Brooke Elementary School. Effective: August 21, 2020.
- 2. **Lindsay Brock**; Support Technician, 7<sup>th</sup> Grade Center. Effective: July 30, 2020.
- 3. **Dannette M. Dewey**; Instructional Assistant, Brooke Elementary School for the purpose of retirement. Effective: August 12, 2020.
- 4. **Rachael Fenyus**; Senior Accountant, District Office. Effective: August 21, 2020.

**New Resignations**

- 5. **Jamilah F. Bashir**; Special Education, 7<sup>th</sup> Grade Center. Effective: To be determined, but will not exceed October 16, 2020.
- 6. **Robert P. St. Ledger**; Instructional Assistant, Evans Elementary School. Effective: August 17, 2020.

**B. Leave of Absence**

- 1. **Beverly E. Reimund**; Elementary Teacher, 5/6<sup>th</sup> Grade Center, is requesting a Sabbatical Leave per Board Policy. Effective: September 1, 2020 through the first semester.

**New Leave of Absence**

- 2. **Agnes M. Wright**; Elementary Teacher, 5/6<sup>th</sup> Grade Center, is requesting a Sabbatical Leave per Board Policy. Effective: September 1, 2020 through the end of the 2020-2021 school year.

**C. Temporary Professional Staff**

1. **Amy R. Heiman**; Special Education Teacher, 7<sup>th</sup> Grade Center replacing Rhonda Zimmerman who retired. Compensation has been set at B, Step 2, \$50,500.00 with benefits per the Professional Agreement. Effective: September 1, 2020.

**New Temporary Professional Staff**

2. **Jessica R. Bennick**; Special Education Teacher, 5/6 Center replacing Barbara J. Monahan (contract moved from Brooke Elementary School to 5/6 Center) who retired. Compensation has been set at B, Step 1, \$50,000.00 with benefits per the professional agreement. Effective: September 1, 2020.
3. **Gabrielle R. Drummer**; Mathematics Teacher, 9<sup>th</sup> Grade Center, replacing Jeramie J. Iannelli who had a change of assignment. Compensation has been set at B, Step 1, \$50,000.00 with benefits per the professional agreement. Effective: September 1, 2020.
4. **Ciara Skala**; Elementary Teacher, Oaks Elementary School replacing Linda S. Fulmer who retired. Compensation has been set at B, Step 3, \$51,250.00 with benefits per the professional agreement. Effective: September 1, 2020.
5. **Christine M. Wichner**; Elementary Teacher, Upper Providence Elementary School replacing Matthew T. Bergey who resigned. Compensation has been set at M, Step 1, \$51,500.00 with benefits per the professional agreement. Effective: September 1, 2020.

**D. Support Staff**

1. **Annmarie Mill**; Level III Secretary, District Office, replacing Courtney Mullen who had a change of status. Compensation has been set at \$16.62/hour with benefits per the Secretarial Benefit Summary. Effective: To be determined.
2. **Jennifer L. Moyer**; Instructional Assistant, Upper Providence Elementary School, replacing Elise-Marie A. Lannutti who had a change of status. Compensation has been set at \$17.36/hour with benefits per the Instructional Assistants' Benefit Summary. Effective: September 1, 2020.
3. **Allison L. Worthington**; Instructional Assistant, Upper Providence Elementary School, replacing Lynne Marie D. Keene who retired. Compensation has been set at \$17.36/hour with benefits per the Instructional Assistants' Benefit Summary. Effective: September 1, 2020.

**New Support Staff**

4. **Karen Addeo**; Instructional Assistant, Spring City Elementary Hybrid Learning School, replacing Victoria L. Sayko who retired. Compensation has been set at \$17.36/hour with benefits per the Instructional Assistants' Benefit Summary. Effective: September 1, 2020.

5. **Debbie L. Boland**; Instructional Assistant, Upper Providence Elementary School replacing Katie T. Kennedy who had a change of assignment. Compensation has been set at \$17.36/hour with benefits per the Instructional Assistants' Benefit Summary. Effective: September 1, 2020.
6. **Susanne M. Hunsberger**; Instructional Assistant, Senior High School replacing Marisa Moley who had a change of status. Compensation has been set at \$17.36/hour with benefits per the Instructional Assistants' Benefit Summary. Effective: September 1, 2020.
7. **Shea E. McDonald**; Instructional Assistant, Royersford Elementary School, replacing Katelyn M. Reynolds who resigned. Compensation has been set at \$17.36/hour with benefits per the Instructional Assistants' Benefit Summary. Effective: September 1, 2020.

**E. Change of Status**

1. **Evvie J. Harrison**; Kindergarten Teacher, Oaks Elementary School, from part-time (.50) Kindergarten Teacher to full-time (1.0) Kindergarten Teacher replacing .5 of a contract available due to the change of assignment of Lauren Rose. Compensation has been set at B, Step 2, \$50,250.00 with benefits per the Professional Agreement. Effective: September 1, 2020.
2. **Mary R. Newett**; Staff Accountant to Senior Accountant, District Office, replacing Rachael Fenyus who resigned. Compensation has been set at \$65,000.00, prorated with benefits. Effective: August 25, 2020.

**New Change of Status**

3. **Kenneth L. Hettrick**; Building Custodian, 7<sup>th</sup> Grade Center, to Head Custodian, Senior High, replacing Joseph H. Bean who retired. Compensation has been set at \$23.52 plus \$3.00 head custodian stipend per the Custodian Benefit Summary. Effective: August 10, 2020.
4. **Sydney E. McGill**; Administrative Assistant to Human Resources Manager, District Office, replacing Melody A. Hendricks who resigned. Compensation has been set at \$55,000.00, prorated with benefits. Effective: August 25, 2020.

**F. Tenure Status**

- |                                |                                |
|--------------------------------|--------------------------------|
| 1. <b>Anne L. Bowen</b>        | 10. <b>Emily E. Marzewski</b>  |
| 2. <b>Ashley L. Brod</b>       | 11. <b>Brittany N. McElwee</b> |
| 3. <b>Jean M. Champion</b>     | 12. <b>Michael J. Miedlar</b>  |
| 4. <b>Steven E. Entenman</b>   | 13. <b>Ashley A. Monziona</b>  |
| 5. <b>James L. Eveland</b>     | 14. <b>Jennifer L. Ott</b>     |
| 6. <b>Mark P. Ferko</b>        | 15. <b>Elizabeth Shields</b>   |
| 7. <b>Angela M. Fitzgerald</b> | 16. <b>Amelia M. Smith</b>     |
| 8. <b>Christina Khoury</b>     | 17. <b>Megan L. Taylor</b>     |
| 9. <b>Meghan D. Marchetti</b>  | 18. <b>Julie A. Zolnierz</b>   |

- G. The Board approved the attached extra-curricular contracts for the 2020-2021 school year. Payments of extra-curricular stipends shall be contingent upon the reopening of schools and the ability as determined by the Administration to provide such extra-

curricular offerings to students consistent with CDC guidelines and guidelines from the Commonwealth of Pennsylvania. The district reserves the right to prorate or not pay stipends in the event of a school closure, school modification, and/or discontinuation of the activity due to pandemic or other events surrounding the pandemic.

\* New addition since the work session. **(Attachment A4)**

## **New Personnel Motions**

### **H. New Professional Staff**

1. **Samhita Basuthakur**; English as a Second Language Teacher, 8<sup>th</sup> Grade Center replacing Suzanne D. Laurie who resigned. Compensation has been set at M+18, Step 4, \$59,876.00 with benefits per the professional agreement. Effective: To be determined.
- I. The Board approved the Memorandum of Agreement between the Spring-Ford Area School District and the Spring-Ford Education Association for the purpose of establishing the compensation plan and expectations for Spring-Ford Cyber Learning staff during the 2020-2021 school year.
- J. The following staff members were previously Board approved with a start date of August 25, 2020. Due to the approval of the revision to the school calendar at the August 17, 2020 Work Session, they are now approved with a start date of September 1, 2020.
  1. Emily G. Barker
  2. Mary E. Conant
  3. Heather M. Gardan
  4. Elise-Marie A. Lannutti
  5. Sara T. Lansdown-Flannery
  6. Marisa Moley
  7. Lauren E. Nealon
  8. Amanda M. Samperi
  9. Kristen E. Santee
  10. Melanie J. Sisemore Adamo
  11. Brett M. Slifer
  12. Michelle Willemmin
  13. Jennifer B. Young

There was no motion on Item K so no vote took place.

- K. Board approval is needed to authorize the administration to take any and all necessary steps to furlough and/or reduce hours of support staff employees listed below due to a lack of work for these employees in their positions as the result of the ongoing COVID-19 Crisis and the District's determination to utilize online/virtual learning to begin the school year to maximize the health and safety of the school community. In addition, the Administration is so authorized to recall employees on this list to the extent work becomes available during the course of the 2020-2021 school year:

## **Furloughs**

### **Food Services – Effective September 3, 2020**

- |                            |                         |
|----------------------------|-------------------------|
| 1. Martina Benedict-Gring  | 22. Karen Lyons         |
| 2. Susan L. Bing           | 23. Christine Mallozzi  |
| 3. Theresa A. Carfagno     | 24. Johanna McLaughlin  |
| 4. Juliet Christman        | 25. Katheen L. Mills    |
| 5. Colleen M. Deschamp     | 26. Theresa Morris      |
| 6. Christine A. Dixon      | 27. Cheryl M. Nave      |
| 7. Deanna N. Dunn          | 28. Jayne W. Oyler      |
| 8. Trudy Durante           | 29. Patricia Peterson   |
| 9. Benjamin E. Eubanks     | 30. Michael R. Poteete  |
| 10. Carol A. Findley       | 31. Tina Reppert        |
| 11. Annette Freed          | 32. Elizabeth Robillard |
| 12. Sarah L. Fusco         | 33. Maria G. Romano     |
| 13. Joan Gerretz           | 34. Cheryl L. Santiago  |
| 14. Allyson Bonnie Hansell | 35. Megan L. Shaeffer   |
| 15. Elizabeth A. Hayes     | 36. Vincenzo Selli      |
| 16. Charlotte T. Hettrick  | 37. Andrea M. Smith     |
| 17. Lisa Huttinger         | 38. Denise L. Smith     |
| 18. Christine M. Klag      | 39. Marie Angela Smith  |
| 19. Jacqueline Knerr       | 40. Mary Timbario       |
| 20. Tonia Leonard          | 41. Kathleen M. Walker  |
| 21. Laraine L. Livergood   | 42. Christine Wheeler   |

### **Safety, Security and Emergency Preparedness – Effective September 1, 2020**

1. Jason R. Corropelese – Security Guard

### **Office Staff – Effective August 28, 2020**

1. Brittany L. Harrington – Attendance Secretary SHS

## **Reduction in Hours**

### **Food Services – Effective September 3, 2020**

- |                                 |                              |
|---------------------------------|------------------------------|
| 1. Rose A. Ames                 | 8. Marlene McClintock        |
| 2. Maureen P. Adams - Manager   | 9. Dawn L. Peiffer - Manager |
| 3. Lisa A. Davis - Manager      | 10. Linda B. Rega - Manager  |
| 4. Dawn Dechant - Manager       | 11. Nancy J. Ruoff - Manager |
| 5. Jacqueline Feldman - Manager | 12. Debra L. Santangelo      |
| 6. Maryjo Galen - Manager       | 13. Gail M. Wolf             |
| 7. Raelene M. Jeffers - Manager |                              |

## **VI. FINANCE**

Mr. DiBello made a motion to approve Items A-H and Mrs. Fazzini seconded it. The motion passed 9-0.



A. The Board approved next month's payroll, taxes, all benefits, transportation contracts, IU contracts, Vo-Tech payments, debt service payments, utility bills, maintenance agreements, copier leases, equipment maintenance, federal grants, insurance, and discounted invoices.

B. Checks:

|   |                |
|---|----------------|
| 1. <u>General Fund Checks</u>   |                |
| Check No. 210293 – 211481   | \$1,247,558.95 |
| 2. <u>Food Service Checks</u>   |                |
| Check No. 1865 – 1964   | \$ 4,845.79    |
| 3. <u>Capital Reserve Checks</u>  |                |
| Check No. 2087 – 2088   | \$ 71,197.03   |
| 4. <u>Capital Projects</u>  |                |
| Reserve Fund: Check No. 83 - 84   | \$ 3,782.10    |
| 5. <u>Scholarships</u>  |                |
| Check No. 156 – 222   | \$ 28,750.00   |
| 6. <u>General Fund, Food Service, &amp; Capital Reserve and Projects ACHs</u> |                |
| ACH 192001459 – 192001765   | \$1,261,098.90 |
| ACH 202100001 – 202100229   | \$2,245,452.69 |
| 7. <u>Wires</u>   |                |
| 201900095 – 201900107   | \$8,255,517.09 |

C. The following monthly Board reports were approved:

- Skyward Reports
  - Check Register (General Fund, Food Service, Capital Reserve, Capital Projects, Scholarships and Wires)
  - ACH Check Register (General Fund, Food Service, Capital Reserve, and Capital Projects)
  - Wires Register (General Fund, Food Service, Capital Reserve, and Capital Projects)

D. The Board approved the following independent contracts:

1. **Pediatric Services of America, Inc. dba Aveanna Healthcare – Atlanta, GA.**  
Provide nursing services during 2020-2021 school year for multiple special needs students during the school day or on community based trips as per their IEPs. Funding will be paid from the Special Education Budget and shall not exceed \$80,160.00.
2. **Lakeside Youth Service dba Lakeside Educational Network – North Wales, PA.**  
Provide 5.25 in-school counselors and 10 student slots for special education services during the 2020-2021 school year at the Lakeside School, Lakeside Girls Academy, Souderton Vantage Academy or Upper Merion Vantage Academy. Funding will be paid from the Special Education Budget and shall not exceed \$779,223.00.

3. **Personal Health Care, Inc. – Valley Forge, PA.** Provide nursing services during the school day and/or on transportation during the 2020-2021 school year. Funding will be paid from the Special Education Budget and shall not exceed \$25,725.00.
4. **Visiting Nurses Group, Inc. – Philadelphia, PA.** Provide nursing services during the 2020-2021 school year for a special needs student as per the IEP. Funding will be paid from the Special Education Budget and shall not exceed \$81,000.00.
5. **Richard Weidner – High School to Work Transition Services, Inc. – Telford, PA.** Provide a Spring-Ford Transitional Employment Program (S.T.E.P.) for special needs students during the 2020-2021 school year as per their IEPs. Funding will be paid from the Special Education Budget and shall not exceed \$89,301.00.
6. **Epic Health Services (PA) dba Aveanna Healthcare – Atlanta, GA.** Provide a home health aide at school during the 2020-2021 school year for a special needs student as per the IEP. Funding will be paid from the Special Education Budget and shall not exceed \$7,000.00.
7. **Central Montco Technical High School (CMTHS) – Plymouth Meeting, PA.** Provide educational services for a special needs student during the 2020-2021 school year as per the IEP. Funding will be paid from the Special Education Budget and shall not exceed \$11,110.00.
8. **Foundations Behavioral Health - LifeWorks Schools – Doylestown, PA.** Provide educational services for a special needs student during the 2020-2021 school year as per the IEP. Funding will be paid from the Special Education Budget and shall not exceed \$40,320.00.
9. **The Camphill Special School – Glenmoore, PA.** Provide educational and related services during the 2020-2021 school year including speech and language, occupational therapy and a 1:1 aide as per the IEP. Funding will be paid from the Special Education Budget and shall not exceed \$89,627.40.
10. **Austill's, Inc. – Exton, PA.** Provision of speech and language therapy during the 2020 Extended School Year Program for a special needs student as per the IEP. Services were provided for 34 hours at a rate of \$67.00 per hour. Funding will be paid from the Special Education Budget and shall not exceed \$2,278.00.
11. **Austill's, Inc. – Exton, PA.** Provide direct and indirect speech and language therapy during the 2020-2021 school year for a special needs student as per the IEP. Services will be provided for up to a total of 108 hours at a rate of \$67.00 per hour. Funding will be paid from the Special Education Budget and shall not exceed \$7,236.00.
12. **Behavior Interventions – King of Prussia, PA.** Provision of 2020 Extended School Year Program services for a special needs student as per the IEP. Registered Behavior Technician support services were provided for 304 hours at a rate of \$55.00 per hour (\$16,720.00). In addition, Board Certified Behavior Analyst supervision services were provided for 60 hours at a rate of \$105.00 per hour (\$6,300.00). Funding will be paid from the Special Education Budget and shall not exceed a total of \$23,020.00.
13. **Chester County Intermediate Unit – Downingtown, PA.** Provide psychology services during the 2020-2021 school year plus additional psychology support as a result of the overflow of evaluations and re-evaluations that were unable to be completed in the spring of 2020 due to COVID-19. The total cost shall not exceed \$90,975.72 with \$45,500.00

coming from the Special Education Budget and \$45,475.72 being an unbudgeted expenditure that will come from the Unassigned Fund Balance.

14. **Chester County Intermediate Unit** – Provide psychology services for 14 weeks of the 2020-2021 school year due to the overflow of evaluations and re-evaluations that were unable to be completed in the spring of 2020 due to COVID-19. This is an unbudgeted expenditure and will be initially funded from the Unassigned Fund Balance and shall not exceed \$51,775.00.
  15. **Capstone Academy LLC – East Norriton, PA.** Provide educational and related services for 3 special needs students during the 2020-2021 school year as per their IEPs. Funding will be paid from the Special Education Budget and shall not exceed a total of \$255,552.00.
  16. **Personal Health Care, Inc. – Valley Forge, PA.** Provide nursing services during the school day and/or on transportation during the 2020-2021 school year. Funding will be paid from the Special Education Budget and shall not exceed \$55,860.00.
  17. **Pediatric Therapeutic Services, Inc. – Conshohocken, PA.** Provide additional behavior support to the full-time autistic support classes at Limerick Elementary School. Board Certified Behavior Analyst services including supervision, training and programming will be provided for up to 820 total hours at a rate of \$78.99 per hour. Funding will be paid from the Special Education Budget and shall not exceed \$64,771.80.
  18. **Spring-Ford Family Practice (Pottstown Medical Specialists, Inc.) – Pottstown, PA.** Perform state mandated school physical examinations, provide standing orders and consultation regarding school-based medical issues during the 2020-2021 school year as requested by parents/guardians. Funding will be paid from the General Fund and shall not exceed \$20.00 per student physical.
  19. **Access Service – Fort Washington, PA.** Provide an assembly entitled “Hope 4 Tomorrow” for 9<sup>th</sup> grade students prior to the Question Persuade Refer (QPR) Training. This assembly is specifically geared to educate students about mental health and suicide. The goal is to engage students and foster discussion and thoughts about their own mental wellness and supports as well as awareness of resources in the school and community.
  20. **Access Service – Fort Washington, PA.** Provide Question Persuade Refer (QPR) Training for 9<sup>th</sup> grade students to help them learn to recognize the warning signs, clues and suicidal communications of people in trouble and gain skills to act vigorously to prevent a possible tragedy. There is no cost to the district for this student training.
- E. The Board approved an addendum to the contract with Education Alternatives for ABA, LLC in King of Prussia, PA originally approved in August 2019. This addendum is necessary due to the additional 24.50 hours provided for a special needs student as per the IEP by a Board Certified Behavior Analyst (BCBA). Funding will be paid from the Special Education Budget and shall not exceed \$2,327.50.
- F. The Board approved the extension of the Confidential in Lieu of FAPE Agreement (#2019-04) previously approved in August 2019 for one year with the parents of a special needs student and the authorization of the payment of tuition to the Stratford Friends School. This extension

is needed due to the district's inability to determine FAPE via an evaluation as a result of COVID-19. Funding will be paid from the Special Education Budget and shall not exceed \$43,000.00.

- G. The Board approved a Letter of Agreement between Creative Health Services, Spring City, PA and the Spring-Ford Area School District. Creative Health will provide SAP Liaison assistance including the provision of consultant services, student assessments and parent assistance based on the Student Assistance Program (SAP) referrals and student support groups for the 2020-2021 school year. There is no cost to the district for these services.
- H. The Board approved renewing the membership with the Delaware Valley Consortium for Excellence & Equity (DVCEE) for the 2020-2021 school year. The DVCEE is a collaborative network of metropolitan school districts in PA, DE and NJ that have committed to learn and work together to support and nurture the school and life success of all their students. The membership fee for 2020-2021 is \$11,000.00 and will be paid from the Superintendent's Budget.

## **VII. PROGRAMMING AND CURRICULUM**

Mrs. Fazzini made a motion to approve Items A-C and Mr. Jackson seconded it. The motion passed 9-0

- A. The Board approved the 2020-2021 Title I, Part A, Federal Programs Grant – Improving Basic Programs, in the amount of \$577,891.00, the 2020-2021 Title II, Part A, Federal Programs Grant – Supporting Effective Instruction, in the amount of \$147,931.00, and the 2020-2021 Title IV, Part A, Student Support and Academic Enrichment Grants, in the amount of \$23,118.00.
- B. The Board approved the purchase of one year access to Seesaw for Schools from Seesaw Learning, pending contract approval by the solicitor's office. Seesaw will support virtual instruction by providing K-2 grade-level appropriate lessons and interactive content. Funding will come from the Curriculum Budget and shall not exceed \$9,900.00.
- C. The Board approved entering into a one year license agreement with Nearpod Inc. for Nearpod Lesson Library and Social & Emotional Learning Software, pending contract approval by the solicitor's office. Funding will come from the Curriculum Budget and shall not exceed \$29,808.00.

## **VIII. CONFERENCE/ WORKSHOP RECOMMENDATION**

Mrs. Fazzini made a motion to approve Item A and Dr. Wright seconded it. The motion passed 9-0.

- A. **Brian Aikens**, Emotional Support Teacher, Upper Providence Elementary, to attend the virtual *"Relaunching Relationally Roadmap Training"* on July 23, 2020 via Zoom. The total cost of this training is \$79.00 (registration). There are no other costs to the district as this training is held virtually.

## **IX. OTHER BUSINESS**

Mr. DiBello made a motion to approve Items A-B and Mrs. Fazzini seconded it. The motion passed 9-0.

A. The Board approved the appointment of **James D. Fink**, Chief Financial Officer, to the Office of Board Treasurer of the Spring-Ford Area School District Board of Directors for the term of one (1) year, effective July 1, 2020.

B. The following policy was rescinded and retired:

1. Policy #810.1 – OPERATIONS: Video Monitors (**Attachment A5**)

C. The following policies are submitted as first readings:

1. Policy #103 – PROGRAMS: Discrimination/Title IX Sexual Harassment Affecting Students (**Attachment A6**)
2. Policy #104 – PROGRAMS: Discrimination/Title IX Sexual Harassment Affecting Staff (**Attachment A7**)

**X. BOARD COMMENT**

Mrs. Zasowski advised that she reached out to the Board Presidents of neighboring school districts in an effort to collaborate with them on what is working and what is not in their efforts to get students back to school as safely as possible.

Board discussion took place on the chatter taking place regarding a senior tailgate and it was advised that it was decided to not cancel but rather postpone this event until such time when students return for in-person learning. This information was communicated out to parents and students. A suggestion was made by Eshika who stated that she spoke with the Senior Class President and they discussed the possibility of a drive-in movie theater for seniors. The Board questioned where this would be held and the cost and expressed concern over both. It was determined that possibly down the road after all of the COVID issues are behind us that something could be done to recognize the Class of 2020 and the incoming Class of 2021. The Board talked about committee meetings starting back up for the school year with regards to them being open for in-person attendance up to a maximum of 25 people and whether or not the option to participation via Zoom had to be offered. Also discussed was the motion that had been tabled regarding the furlough of staff members and it was suggested that possibly this was something that needed to be re-evaluated along with the impact of the furloughs to the district.

**XI. PUBLIC TO BE HEARD**

**Mary Jo Mcnamara, Royersford**, commented that she felt the numbers provided by the physicians from CHOP were skewed and suggested that the public look at the Montgomery County site for more accurate numbers. She thanked Dr. Goodin and the administration for providing a list of challenges and expressed hope that a plan could be identified for reopening if we were to see better numbers. Ms. Mcnamara stated that she was happy to hear that the Board was going to hold an Ad-Hoc Committee meeting.

**Gabrielle Deardorff, Royersford**, thanked the board for having medical experts speak at the meeting tonight. She asked that the board stay current and trust science and what doctors are saying regarding 6 feet distancing. Ms. Deardorff expressed that she had hope to hear updates tonight about school opening in two weeks with regards to Canvas, Chromebooks and teacher avail-ability. She asked if the Ad-Hoc was open to all parents with opinions or only those who agree and want to see kids in school. She stated that she would like to be part of this committee.

**Heather Staley, Spring City**, expressed thanks for having the two doctors speak tonight and stated that she would have like to have been able to ask them some questions. She questioned the doctors definition of exposure and wondered why it would be different for children than it is for those who work in a hazardous environment. Ms. Staley stated that she keeps hearing people talk about mandates when it is guidelines and recommendations that are provided by the CDC, the PA Department of Health and the PA Department of Education. She addressed Dr. Goodin saying that 6 feet is what is considered ideal but 3 feet is the accepted minimum distance by the American Academy of Pediatrics along with wearing masks. She stated that she wants people to realize that there are a lot of other things that we can do for the safety of the children and teachers.

**Hope Bodenschatz, Royersford**, stated that she was glad that a town hall meeting was brought up but questioned how it could be done with only allowing a maximum of 25 people in attendance. She asked if a town hall could be held via Zoom so that the public would be able to ask and have their questions answered.

**Roland Olsen, Collegeville**, commented that he was not happy with the CHOP doctors and felt that they did not answer all questions asked. He applauded the board on the creation of the Ad-Hoc Committee as it would provide an opportunity to face the challenges current and future together with the board and administration. He felt that some who do not want their kids in school viewed this as a threat but he views it as an opportunity for those who want to help Dr. Goodin and the board solve these challenges together and said he was looking forward to it.

**Jill Schadler, Royersford**, questioned a comment made by Dr. Wright regarding wanting to hear more from the community and stated that there have been hours of public comments at the board meetings by the community. She expressed disappointment with the Board Members debating about having an Ad-Hoc Committee saying she felt it was a no-brainer, a positive and an opportunity. Ms. Schadler felt the tone of administration was very anti-getting students back into school and questioned why it was not the administration working with the community rather than the board. She stated that she did not understand why Dr. Goodin continually looked to the board to advise him on what they want him to do and stated that as superintendent she expected him to come to the board with opinions. Ms. Schadler commented that it is shocking to her that there are Board Members who barely say a word or express a position this far into preparing for the school year. She felt that any Board Member who did not have a good understanding on where the community stands was a disengaged board member and only inspires members of the community to want to step up and get involved.

**Christine Grines, Royersford**, stated that she was glad the board was moving forward with the Ad-Hoc Committee. She said she would like to still push for a town hall meeting where it is an open forum and suggested that if there was not a desire to do it via Zoom then possibly hold it in a parking lot. Ms. Grines commented that she felt that because Dr. Goodin just indicated that he wanted a committee to look into logistic concerns confirms for her as well as other council members that he had no intention of going green or going back in school. She added that she was concerned over Dr. Goodin constantly asking what he is or is not supposed to do. She urged that the Class of 2021 not be forgotten saying their last begins on September 8<sup>th</sup> as they do not have next year. She commented that while a tailgate may seem small to Mr. Jackson it is not to them and they deserve it and we deserve to recognize them and honor them.

**Dan Mayo, Limerick**, commented that he was glad to have the CHOP presentation and glad we were listening to the professional input. He urged everyone to go back and listen to exactly what was said in the presentation and then go to the Montco website

and look at that data as well as the information on mainlinemama.com. He applauded the board for bringing forward the Ad-Hoc Committee saying giving the community a chance to have dialogue is very important. Mr. Mayo expressed disappointment on the lack of information gathered on teachers and their intentions, their goals and what their participation level will be. He did not feel a survey of parents or teachers was the right approach and stated ongoing dialogue was the way to go. He added that whether it be through a town hall or the Ad-Hoc Committee he hoped that feedback was obtained from these 2 stakeholder groups.

**Rachel Kerchner, Oaks**, stated that her earlier comments were on topic and supported the formation of the Ad-Hoc Committee. She commented that innovation distinguishes between a leader and a follower and she felt Dr. Goodin as the superintendent and the district as a whole was doing too much following. Ms. Kerchner added that we need to be the district that other districts look to for guidance and ideas and not the other way around. She commented that if you rely on previously established models of these logistical school operations then schools will remain virtual indefinitely. She felt that we must shift and reimagine your paradigm of what in-person schooling looks like due to the novelty of our current reality. Ms. Kerchner stated that this will require copious amounts of creativity and innovation but responsiveness to change is paramount. She added that if Dr. Goodin and his team do not have the expertise to effectively design and implement necessary changes and new procedures then that is okay but they must find experts who do. She suggested hiring expert consultants to supplement the gaps or even engage the community to help come up with creative solutions. Ms. Kerchner said no one expects Dr. Goodin to have all of the answers but they do expect him to be proactive in facilitating their discovery and actually implementing those solutions. She stated that the kids are counting on him.

**Shana Hart, Collegeville**, asked everyone to consider a true phased-in approach; one that may involve some schools or grades to start sooner than others and ideally before the start of the second marking period. She stated that they heard today that the CHOP doctors are advocates for the younger population to start school now and according to the data presented it is for a full in-person model. Ms. Hart commented that she saw no reason now why a hybrid solution could not be implemented. She added that at the last meeting the board had asked Dr. Goodin to have an alternative hybrid plan and tonight there was no mention of that. She expressed concern that we are back to all or nothing and with no plans she is concerned that we will be sitting here for a very long time. She asked the board and administration to figure out the virtual option as there are families that need choices for virtual over cyber just like others need choices for in-person.

**Sheri Zawislak, Collegeville**, thanked the board as she felt tonight's meeting was one of the more positive directions of the last few meetings she has seen. She stated that she liked the Ad-Hoc idea as well as the project manager as she feels a lot of ideas are thrown out but nothing is ever followed up on or it falls to the wayside. Ms. Zawislak commented that as far as the Class of 2021 that feelings the parents have from administration is that we will not be back this year and she believes this is what a lot of the seniors are feeling as well. She said there is a lot of people wondering how it is going to happen and it is a very negative view of getting the kids back into school. She mentioned the postponement of the tailgate and asked if the district was just going to postpone all of the senior milestones as there is going to come a time when the weather is going to get bad and we won't be able to do things outside and won't be able to have everyone inside. Ms. Zawislak stated that we ask our kids to try and she questioned why we don't just show them and try because this year will go by really fast and they are going to miss all of their milestones. She asked administration to try to get the seniors

in, try to get some of their milestones by thinking outside of the box because right now we do not know if they are going to get ½ of what the graduating class this year got.

**Kelley Olsen, Collegeville**, commented that she is cautiously excited about the conversations and plans of the forward movement. She questioned why we were waiting 4 weeks to conduct the survey as parents can answer the survey now and added that information is powerful. She suggested finding out where we stand right now and then send additional surveys every two weeks until we are back in school as there is zero cost and the more data we have and the sooner we get it is very important. She urged that the surveys be done now and then again down the road. Ms. Olsen stated that the postponement of the senior tailgate is sad and the first casualty of the senior year. She added that it is an outdoor event; social distancing is a guideline not a requirement and if more than 250 people show up at the high school the first day then they overflow into the 9<sup>th</sup> Grade Center and into the other parking lots. Ms. Olsen expressed that the beautiful thing is that they are going to be learning virtually anyway so the students will be at home “quarantining” during school after the tailgate.

**Amy Vanderzee, Collegeville**, stated that it is her strong opinion that waiting yet another 35 days from now to initiate a serious survey of parents is waiting far too long. She said the planning committees need real numbers to begin making realistic plans and she does not see how they can make logistical plans without the numbers. Ms. Vanderzee commented that she has worked in healthcare since day 1, her husband has gone to work all throughout this time as have her 3 children who had summer job. She stated that she does not understand why we cannot get the kids back in some sort of in-person learning and she strongly believes the survey should go out well before 35 days from now.

**Danielle Folino, Mont Clare**, said she agreed with the last 3 callers, advised she has a senior and she has some strong opinions on this. Ms. Folino stated that we had a presenter at the beginning of the meeting tonight talk about social emotional learning and the importance of this for the kids to feel connected and have a positive school experience. She commented that the senior tailgate is one of the first senior milestones they reach and it helps them feel connected to the school, involved and gets them in the right mindset to go into the school year especially with it being virtual. She spoke about all of the milestones that take place in the first quarter of the year such as homecoming and spirit week which they will miss. Ms. Folino added that in the winter time there is not as much going on and they can't do as much even if students start coming into school. She stated that the kids would be excited to have any kind of event you can give them to make them feel connected as it helps with the social emotional learning that kids need to do. She commented that the kids are all together outside of the classroom anyway right now as they are hanging out and participating in sports. Ms. Folino stated that this is a virus and people get viruses every day and although she knows people have strong opinions on this, people get sick and people die so you cannot keep living in fear and taking opportunities away from the kids to be kids.

**Lyndsie Olenoski, Phoenixville**, commented that she is slightly disappointed that we have taken our eye off of the fact that administration also has to open school in less than 2 weeks. She stated that there is a lot in play and she understands wanting to open schools back up but the constant changing of a possible date for bringing kids back and all of the work that administration has to do without a set firm date of November 12<sup>th</sup> means that they cannot do their other job which is actually starting school including all of the complications that arise from starting school on a yearly basis anyways. Ms. Olenoski expressed that she liked the idea of the Ad-Hoc Committee, felt it was commendable and should exist as there does need to be more engagement and not just listening. She said she would love to have a better understanding on how the board was



going to make sure they are involving the entire community and not just a few select individuals. She advised that she has listened to every Zoom call since this first started and Dr. Murray's first presentation. She added that although she did not comment on all of them she actively participated and listened. She stated that we have to be really careful on where we put our voices and make sure we are rounding it out. She commended everyone for what they are trying to do as she would love to see her kids get back to school but she also wants the administration and the teachers to be able to do their most important job in the upcoming weeks which is prepare to provide an education and solid foundation for her children.

**Julia Kotes, Royersford**, commented that she is a rising senior who has listened to a majority of the meetings. She stated that she disagrees and is disappointed with some of the sentiments reflected by some of her fellow school community members who have spoken tonight. She added that the emphasis on the social aspect of senior year, coming from a rising senior, under the guise of actually caring about her education, is very disconcerting. Ms. Kotes advised that the milestone for her is not homecoming or a silly tailgate as it is graduation and being able to apply and get accepted to colleges. She stated that she also found it disconcerting to see some of the petitions being circulated by students to try to get back to school and the lack of regard for teachers health, well-being and their irreplaceability.

Mrs. Zasowski asked the board if they wanted to talk about scheduling an additional meeting.

Mr. Shafer invited everyone to the Extracurricular Committee meeting on Tuesday, September 1, 2020 at 7:30 p.m. and advised that they will now be meeting on a monthly basis.

The board opted to hold an additional board meeting on Monday, August 31<sup>st</sup> at 7:30 p.m. with an executive session being held at 7:00 p.m.

## **XII. ADJOURNMENT**

Mrs. Melton made a motion to adjourn and Mrs. Fazzini seconded it. The motion passed 9-0. The meeting adjourned at 10:52 p.m.

Respectfully submitted,

Diane M. Fern  
School Board Secretary

**2020-2021 EXTRACURRICULAR CONTRACTS  
SEPTEMBER 2020**

|     | <b>Contract Title</b>   | <b>Season</b> | <b>Last</b>        | <b>First</b> | <b>Stipend</b> |
|-----|---|---------------|--------------------|--------------|----------------|
| *1  | Volunteer Marching Band Staff                                   | Fall          | Bashline           | Nathan R.    | Volunteer      |
| *2  | Volunteer Assistant Soccer Coach - Boys'-HS                     | Fall          | Hungate            | Liam         | Volunteer      |
| 3   | Soccer Coach - Boys' (7th Grade)                                | Fall          | MacMillian         | Ian P.       | \$2,772.00     |
| *4  | Asst. Soccer Coach-Girls' -HS                                   | Fall          | Maher              | Jaimie L.    | \$3,991.00     |
| *5  | Soccer Coach-Girls'- 8th Grade                                  | Fall          | Marcellus          | Jason        | \$2,772.00     |
| *6  | Majorette/Twirler Instructor - HS (1/2 Contract- Prorated)      | Fall          | Noone              | Victoria M.  | \$738.33       |
| 7   | Asst. Volleyball Coach-Girls'- HS                               | Fall          | Plitnick           | Jenna L.     | \$4,391.00     |
| *8  | Soccer Coach - Boys' (7th Grade)                                | Fall          | Short              | Jason P.     | \$2,772.00     |
|     |   |               |                    |              |                |
| *9  | Scoreboard Operator (as needed)                                 | Year          | Beard              | Robert       | \$50/game      |
| *10 | 7 <sup>th</sup> Gr. Club #9- Aavidum Club                       | Year          | Bologa             | Tara         | \$402.00       |
| *11 | HS Club #20- PEP Club Advisor-HS (1/2 Contract)                 | Year          | Bowen              | Melanie F.   | \$201.00       |
| *12 | Scoreboard Operator (as needed)                                 | Year          | Brennan            | John A.      | \$50/game      |
| *13 | Scoreboard Operator (as needed)                                 | Year          | Camilleri          | Kimberly A.  | \$50/game      |
| *14 | Math Counts Sponsor –Gr. 8 (1/2 Contract)                       | Year          | Conant             | Mary E.      | \$552.00       |
| *15 | Scoreboard Operator (as needed)                                 | Year          | Corropelese        | Shawn R.     | \$50/game      |
| 16  | Robotics Club/Technology Club                                   | Year          | Eveland            | James L.     | \$1,104.00     |
| *17 | 7 <sup>th</sup> Gr. Club #7- World Language Club                | Year          | Foulke             | Laura A.     | \$402.00       |
| *18 | Scoreboard Operator (as needed)                                 | Year          | German             | Kelly L.     | \$50/game      |
| *19 | Scoreboard Operator (as needed)                                 | Year          | Hollingsworth, Jr. | Gerald A.    | \$50/game      |
| *20 | Scoreboard Operator (as needed)                                 | Year          | Kenney             | Joan E.      | \$50/game      |
| *21 | Scoreboard Operator (as needed)                                 | Year          | Landis             | Doug W.      | \$50/game      |
| *22 | 7 <sup>th</sup> Gr. Club #12- 7th Grade Student Council Support | Year          | Mayer              | Jessica A.   | \$402.00       |
| *23 | Scoreboard Operator (as needed)                                 | Year          | Miscavage          | Daniel A.    | \$50/game      |
| *24 | Game Announcer (as needed)                                      | Year          | Miscavage          | Daniel A.    | \$50/game      |
| *25 | Scoreboard Operator (as needed)                                 | Year          | Miscavage          | Joseph A.    | \$50/game      |
| *26 | Scoreboard Operator (as needed)                                 | Year          | Miscavage          | Susan C.     | \$50/game      |
| *27 | HS Club #20- PEP Club Advisor-HS (1/2 Contract)                 | Year          | Quinby             | Julie C.     | \$201.00       |
| *28 | Scoreboard Operator (as needed)                                 | Year          | Reagan             | Todd M.      | \$50/game      |
| *29 | Game Announcer (as needed)                                      | Year          | Reagan             | Todd M.      | \$50/game      |
| *30 | Game Announcer (as needed)                                      | Year          | Shafer             | Barry L.     | \$50/game      |
| *31 | TV Studio Coordinator, Grade 7                                  | Year          | Skarbek            | Amy M.       | \$1,471.00     |
| *32 | HS Club #21- Entrepreneurship Club                              | Year          | Swier, III         | Robert A.    | \$402.00       |
| *33 | Scoreboard Operator (as needed)                                 | Year          | Tier               | Nicholas A.  | \$50/game      |
| *34 | 7 <sup>th</sup> Gr. Club #4- World Language Club                | Year          | Yura-Brown         | Jaclyn M.    | \$402.00       |

**Spring-Ford Area School District**  
**Department of Athletics**  
**Health & Safety Plan for Athletics and Marching Band**

**Introduction**

The COVID-19 pandemic has presented athletics across the world with a myriad of challenges. The COVID-19 virus is a highly contagious illness that primarily attacks the upper respiratory system. The virus that causes COVID-19 can infect people of all ages. Research from the Centers for Disease Control, among others, has found that while children do get infected by COVID-19, relatively few children with COVID-19 are hospitalized. However, some severe outcomes have been reported in children, and a child with a mild or even asymptomatic case of COVID-19 can spread the infection to others who may be far more vulnerable. While it is not possible to eliminate all risk of furthering the spread of COVID-19, the current science suggests there are many steps schools can take to reduce the risks to students, coaches, and their families.

The Spring-Ford Area School District will take the necessary precautions and recommendations from the federal, state, and local governments, CDC, PA DOH, as well as the NFHS and PIAA. The Spring-Ford Area School District realizes the knowledge regarding COVID-19 is constantly changing as new information and treatments become available. These recommendations will be adjusted as needed as new information becomes available in order to decrease the risk of exposure for our staff, students, and spectators.

**Point of Contact**

The primary point of contact for all questions related to COVID-19 as in relation to the Health and Safety Plan for Athletics and Marching Band:

Mr. Mickey McDaniel  
Director of Athletics – Spring-Ford Area School District  
350 S. Lewis Road  
Royersford, PA 19468  
[mmcda@spring-ford.net](mailto:mmcda@spring-ford.net)  
610-705-6030

## **Requirements**

The following requirements are for **all Middle School and Senior High School athletics and marching band contests and practices**

### **Student/Athletes and Coaches**

If you have traveled, or plan to travel, to an area where there are high amounts of COVID-19 cases, it is recommended that you stay at home for 14 days upon return to Pennsylvania. Please click on the link below from the Pennsylvania Department of Health to for an updated listing of the states which this restriction applies to:

<https://www.health.pa.gov/topics/disease/coronavirus/Pages/Travelers.aspx>

1. Coaches and athletes should pre-screen themselves prior to arrival at Spring-Ford. If a coach or athlete has a fever or any signs/symptoms of COVID-19 or has come in contact with anyone with, or symptoms of Covid-19, they should not come to Spring-Ford and should contact their primary care physician and self-isolate.
2. Athletes, Coaches, and Staff will undergo a COVID- 19 health screening prior to any practice, event, or team meeting. The type of screening will be dependent upon the available resources and the Phase level. The purpose is to check for signs and symptoms of COVID-19. The screenings could range from a verbal/written questionnaire to a temperature check. Temperatures at 100.4 or higher will be sent home should contact their primary care physician and self-isolate. Temperature checks will be done by personnel designated by the athletic director.
3. Promote healthy hygiene practices such as hand washing (20 seconds with warm water and soap) and employees wearing a cloth face covering as feasible. (Face coverings are recommended to help decrease potential exposure to COVID-19 respiratory droplets by an infected individual. Face Coverings will not be used for athletes while practicing or competing.) Hand Sanitizer will be available for team use as resources allow.
4. Intensify cleaning, disinfection, and ventilation in all facilities
5. Encourage social distancing **when not engaged in active competition.**

6. Educate Athletes, Coaches, and Staff on health and safety protocols
7. Anyone who is sick must stay home
8. Plan in place if a student or employee gets sick
9. Regularly communicate and monitor developments with local authorities, employees, and families regarding cases, exposures, and updates to policies and procedures
10. Athletes and Coaches MUST provide their own water bottle for hydration. Water bottles must not be shared.
11. PPE (gloves, masks, eye protection) will be used as needed and situations warrant, or determined by local/state governments.
12. Identify Staff and students who may be at a higher risk of severe illness from COVID-19 due to underlying medical conditions.(See - CDC “People Who are at a Higher Risk for Severe Illness”)
13. **No** Concession stands or other food **for fall sporting events unless spectator restrictions are lifted.**

## **Considerations:**

1. Custodial staff will clean and disinfect commonly shared athletic equipment and areas on a minimum nightly basis.
2. Different times will occur for practices, so overlap between and amongst sports doesn't occur on **practice facilities.** All practices will be coordinated through the Athletic office.
3. Activities will resume in a gradual fashion in order to avoid injuries, heat related illnesses, and to take into account that some athletes may not be at their optimal condition/fitness levels.

**Anticipated launch date for sports related activities: September 7, 2020**

## Primary Point of Contact

| Point of Contact Name | Position of Point of Contact | Contact Information                         |
|-----------------------|------------------------------|---|
| Mickey McDaniel       | Director of Athletics        | 610-705-6030 or email mmcda@spring-ford.net |
|                       |                              |   |

## Key Strategies, Policies, and Procedures

## Cleaning, Sanitizing, Disinfecting, and Ventilation

| Requirements  | Action Steps<br>under Yellow and Green Phase   | Lead Individual<br>and Position                    | Materials,<br>Resources, and or<br>Supports Needed | PD Required<br>(Y/N)      |
|---|--|--|--|---------------------------|
| * Cleaning, sanitizing, disinfecting, and ventilating spaces, surfaces, and any other areas used by student athletes and sporting activities (i.e., restrooms, drinking fountains, locker rooms and transportation) | <p><b>YELLOW</b></p> <p>All areas used will be cleaned daily.</p> <p>Areas are only available for use when proper cleanings are scheduled.</p> <p><b>GREEN</b></p> <p>All areas used will be cleaned daily.</p> <p>Cleanings will take place in all areas used by student-athletes or staff.</p> | <p>Director of Athletics</p> <p>Head Custodian</p> | Cleaning materials                                 | Y – Safe Schools training |
| Other cleaning, sanitizing, disinfecting, and ventilation practices   | <p><b>YELLOW</b></p> <p>N/A</p> <p><b>GREEN</b></p> <p>All Areas used will be cleaned daily</p>  | <p>Director of Athletics</p> <p>Head Custodian</p> | Sanitizing and disinfecting agents                 | N                         |

## Social Distancing and Other Safety Protocols

| Requirements   | Action Steps under Yellow and Green Phase  | Lead Individual and Position | Materials, Resources, and or Supports Needed  | PD Required (Y/N)         |
|--|--|------------------------------|---|---------------------------|
| * Protocols for social distancing student athletes and staff throughout all activities, to the maximum extent feasible | <b>YELLOW</b> - Social Distancing protocols will be used for indoor and outdoor activities.                                | Athletic Department Staff    | Guidelines from the State of Pennsylvania, CDC, PIAA, NFHS, and SFASD Health & Safety Plan. | Y – Safe Schools training |
|  | Groups must be limited to 25   | Coaches                      |   |                           |
|  | Non-contact activities   | Athletic Trainers            |   |                           |
|  | Practice, game and activity spaces will be scheduled by the Athletic Office. Teams will not overlap on facility schedules. | Director of Athletics        |   |                           |
|  |  | Band Director                |   |                           |
|  | <b>GREEN</b><br>Social Distancing protocols will be used when possible.  |                              |   |                           |
|  | Groups must be limited to maximum of 250 or 50% of outdoor facility max occupancy whichever is less                        |                              |   |                           |
|  | Practice, game and activity spaces will be scheduled by the Athletic Office. Teams will not overlap on facility schedules. |                              |   |                           |
|  | Indoor - Groups must be limited to maximum of 25   |                              |   |                           |



| Requirements   | Action Steps<br>under Yellow and Green Phase   | Lead Individual<br>and Position  | Materials,<br>Resources, and or<br>Supports Needed | PD Required<br>(Y/N)   |
|--|--|--|--|--|
| * Procedures for serving food at events  | <p><b>YELLOW</b> – Spaces are not available. Food will not be served.</p> <p><b>GREEN</b> - Prepackaged meals only. No buffet style meals.</p> <p>Social distancing protocols must be used.</p> <p>Concession stands <u>will remain closed for fall season unless spectator attendance is permitted.</u></p>   | <p>Athletic Department Staff</p> <p>Coaches</p> <p>Athletic Trainers</p> <p>Director of Athletics</p> <p>Band Director</p> | SFASD Health & Safety Plan                         | N  |
| * Hygiene practices for student athletes and staff which include the manner and frequency of hand-washing and other best practices | <p><b>YELLOW</b> - Wash hands before and after activities.</p> <p>Use of hand sanitizer if needed.</p> <p>Game ball(s) are disinfected before, during and after every game and practice</p> <p>Adults are required to wear face coverings, <u>unless a health condition prohibits use.</u></p> <p>No shared water containers are permitted. Each student-athlete and coaches must provide their own water.</p> <p><b>GREEN</b> - Wash hands before and after activities.</p> <p>Use of hand sanitizer if needed.</p> <p>Game ball(s) are disinfected before, during and after every game and practice.</p> | <p>Athletic Department Staff</p> <p>Coaches</p> <p>Athletic Trainers</p> <p>Director of Athletics</p> <p>Band Director</p> | Guidelines from the State of Pennsylvania and CDC  | <p>Y – Safe Schools Training</p> <p>Protocols for proper handwashing procedures will be given to student-athletes and staff members.</p> |

|  |   |   |  |   |
|--|---|---|--|---|
|  | <p>Adults are required to wear face coverings, unless a health condition prohibits use</p> <p>No shared water containers are permitted. Each student-athlete must provide their own water</p>   |   |  |   |
| <p><b>* Posting signs, in highly visible locations, that promote everyday protective measures, and how to stop the spread of germs</b></p> | <p><b>YELLOW</b> - Signs indicating proper hygiene and hygiene practices will be posted in common areas.</p> <p><b>GREEN</b> - Signs indicating proper hygiene and hygiene practices will be posted in common areas.</p>  | <p>Head Custodian</p> <p>Director of Facilities</p>                                       | <p>Guidelines from the State of Pennsylvania and CDC</p>   | N |
| <p><b>* Identifying and restricting non-essential visitors and volunteers</b></p>  | <p><b>YELLOW</b> - Athletic Department approved personnel at games and practices only.</p> <p>Spectators are not permitted at practices and contests.</p> <p><b>GREEN</b> - Athletic Department approved personnel at games and practices only.</p> <p><u><b>Spectators – Currently following Pioneer Athletic Conference Regulations</b></u></p> | <p>Director of Athletics</p> <p>SFASD Police Dept.</p> <p>Building Principals</p>         | <p>PDE K-12 Athletics Health and Safety Planning Document</p>  | N |
| <p><b>Limiting the sharing of materials and equipment among student athletes</b></p>   | <p><b>YELLOW</b> – Any equipment that must be shared must be disinfected between users. Game balls must be disinfected when feasible.</p> <p><b>GREEN</b> – <u><b>Any equipment including game balls must be disinfected when feasible.</b></u></p>   | <p>Coaches</p> <p>Athletic Trainers</p> <p>Director of Athletics</p> <p>Band Director</p> | <p>Guidelines from the State of Pennsylvania, CDC, PIAA, NFHS, and SFASD Health &amp; Safety Plan.</p> | N |

|  |   |   |  |          |
|--|---|---|--|----------|
| <p><b>Staggering the use of communal spaces (i.e., locker rooms, weight rooms, etc.)</b></p> | <p><b>YELLOW</b> - Locker Rooms and Physical Education Center are not available.</p> <p><b>GREEN</b> – <u>In Physical Education Center</u>, opposite entrances/exits will be used when entering or exiting the facility. If opposite entrances/exits are not available, a staggering method will be used.</p> <p><u>Locker rooms will not be available.</u></p> | <p>Coaches</p> <p>Athletic Trainers</p> <p>Director of Athletics</p> <p>Band Director</p> | <p>SFASD Health &amp; Safety Plan.</p> | <p>N</p> |
|--|---|---|--|----------|

| Requirements   | Action Steps<br>under Yellow and Green Phase  | Lead Individual<br>and Position  | Materials,<br>Resources, and or<br>Supports Needed   | PD Required<br>(Y/N) |
|--|---|--|--|----------------------|
| <b>Adjusting transportation schedules and practices to create social distance</b>  | <p><b>YELLOW</b> – Transportation may be modified or limited.</p> <p>Student-athletes may be transported by a parent/guardian to off-site events with proper documentation</p> <p><b>GREEN</b> – <u>School district will provide transportation to and from contests but not to practices.</u></p> <p><u>Families will be responsible to transport student-athletes to and from practices.</u></p> <p>Student-athletes may be transported by a parent/guardian to off-site events with proper documentation</p> | <p>Director of Athletics</p> <p>Director of Transportation</p> <p>Coaches</p> <p>Band Director</p>                         | <p>Transportation Waiver</p> <p>SFASD Health &amp; Safety Plan</p>                                     | N                    |
| <b>Limiting the number of individuals in athletic activity spaces, and interactions between groups of student athletes</b> | <p><b>YELLOW</b> - Social Distancing protocols will be used for indoor and outdoor activities.</p> <p>Groups must be limited to 25</p> <p>Non-contact activities</p> <p><b>GREEN</b> - Social Distancing protocols will be used when possible.</p> <p><u>Outdoor</u> - Groups must be limited to 250 or 50% of facility maximum occupancy, whichever is less.</p>   | <p>Athletic Department Staff</p> <p>Coaches</p> <p>Athletic Trainers</p> <p>Director of Athletics</p> <p>Band Director</p> | <p>Guidelines from the State of Pennsylvania, CDC, PIAA, NFHS, and SFASD Health &amp; Safety Plan.</p> | N                    |

|  |  |  |  |  |
|--|--|--|--|--|
|  | <u>Indoor - Groups must be limited to the maximum number allowed by Montgomery County department of health</u> |  |  |  |
| Other social distancing and safety practices | <p>YELLOW – N/A</p> <p>GREEN – N/A</p>   |  |  |  |

## Monitoring Student Athletes and Staff Health

| Requirements  | Action Steps under Yellow and Green Phase  | Lead Individual and Position   | Materials, Resources, and or Supports Needed        | PD Required (Y/N)                                     |
|---|--|--|---|---|
| * <b>Monitoring student athletes and staff for symptoms and history of exposure</b> | <b>YELLOW</b> – Student-Athletes, coaches and athletic department staff will fill out the “COVID-19 Monitoring Form”. <u>Forms are to be turned in daily to athletic office.</u> | Head Coach<br>Athletic Trainers<br>Director of Athletics<br>Building Principal | Monitoring Form<br>Non-Contact Forehead Thermometer | Y – Safe Schools Training training on thermometer use |
|   | <b>GREEN</b> - Student-Athletes, coaches and athletic department staff will fill out the “COVID-19 Monitoring Form” <u>Forms are to be turned in daily to athletic office.</u>   | Band Director  |   |   |

| Requirements  | Action Steps under Yellow and Green Phase  | Lead Individual and Position                                     | Materials, Resources, and or Supports Needed | PD Required (Y/N)                        |
|---|--|--|--|--|
| * <b>Isolating or quarantining student athletes, coaching staff, or visitors if they become sick or demonstrate a history of exposure</b> | <b>YELLOW</b> - <u>Students/Staff - will be quarantined in a pre-determined location until proper travel arrangements can be made.</u> | Athletic Trainers<br>Director of Athletics<br>Building Principal | PPE<br>Cleaning and Sanitizing equipment     | Y - education on the protocol being used |
|   | <b>GREEN</b> - <u>Students/Staff - will be quarantined in a pre-determined location until proper travel arrangements can be made.</u>  | Head Custodian   |  |  |
|   | Student-athlete/staff of opposing schools will follow the same protocol as above   |  |  |  |
|   | Student-athlete/staff of opposing schools will follow the same protocol as above   |  |  |  |

|  |  |   |   |  |
|--|--|---|---|--|
| * Returning isolated or quarantined coaches, staff or student athletes, to school and/or athletics   | <b>YELLOW</b> - Students or staff must have medical clearance from their physician or appropriate healthcare professional, determined to be non-contagious, Fever free (without fever-reducing medicine), improvement in respiratory symptoms (cough, shortness of breath), no vomiting or diarrhea. | Director of Athletics<br>Building Principal<br>Athletic Trainers<br>Band Director | <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/youth-sports.html">https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/youth-sports.html</a> | Y - education on the protocol being used |
|  | <b>GREEN</b> - Students or staff must have medical clearance from their physician or appropriate healthcare professional, determined to be non-contagious, Fever free (without fever-reducing medicine), improvement in respiratory symptoms (cough, shortness of breath), no vomiting or diarrhea.  |   |   |  |
| Notifying coaching staff, families, and the public of cancellation of sports-related activities, school closures and other changes in safety protocols | <b>YELLOW</b> - Changes in safety protocols - update documents on websites and advertise the changes on social media and email contacts.   | Director of Athletics<br>Building Principal                                       |   | N  |
|  | <b>GREEN</b> - Changes in safety protocols - update documents on websites and advertise the changes on social media and email contacts   | District Communications & Specialist<br>Assistant Superintendent                  |   |  |
| Other monitoring and screening practices   | <b>YELLOW</b> – N/A  |   |   |  |
|  | <b>GREEN</b> – N/A   |   |   |  |

## Other Considerations for Student Athletes and Staff

| Requirements   | Action Steps under Yellow and Green Phase  | Lead Individual and Position   | Materials, Resources, and or Supports Needed  | PD Required (Y/N)         |
|--|--|--|---|---------------------------|
| * Protecting student athletes and coaching staff at higher risk for severe illness | <p><b>YELLOW</b> – Parents and coaches should assess level of risk based on individual players on the team who may be at higher risk for severe illness, such as children who may have asthma, diabetes or other chronic health problems.</p> <p>Safety protocols will be implemented for any student-athlete or staff member who needs accommodations.</p> <p><b>GREEN</b> - Parents and coaches should assess level of risk based on individual players on the team who may be at higher risk for severe illness, such as children who may have asthma, diabetes or other chronic health problems.</p> <p>Safety protocols will be implemented for any student-athlete or staff member who needs accommodations.</p> | <p>School Nurse</p> <p>Athletic Trainer</p> <p>Director of Athletics</p> <p>Coaches</p> <p>Building Principal</p> <p>Band Director</p> | <p><a href="https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html">https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html</a></p>                                      | Y – Safe Schools Training |
| * Use of face coverings by all coaches and athletic staff                          | <p><b>YELLOW</b> – <u>Coaches &amp; Staff are required to wear masks at all times when indoors and outdoors until guidelines state masks are no longer required.</u></p> <p><b>GREEN</b> - <u>Coaches &amp; Staff are required to wear masks at all times when indoors and outdoors until guidelines state masks are no longer required.</u></p>   | <p>Head Coach</p> <p>Athletic Trainers</p> <p>Director of Athletics</p> <p>Building Principal</p>                                      | <p>Masks</p> <p><a href="http://www.piaa.org/assets/web/documents/Press%20release%20-%20Friday%20July%203%202020%20-%20Masks.pdf">http://www.piaa.org/assets/web/documents/Press%20release%20-%20Friday%20July%203%202020%20-%20Masks.pdf</a></p> | Y – Safe Schools Training |



|  |  |  |              |          |
|--|--|--|--------------|----------|
| <p><b>* Use of face coverings by student athletes as appropriate</b></p> | <p><b>YELLOW</b> – Consider student athletes wearing masks before and after practice, removing masks for practice while continuing social distancing when possible. <u><b>If a student athlete is not actively engaged in drill or game, masks must be worn.</b></u></p> <p>Any athlete who prefers to wear a cloth face covering during a contest should be allowed to do so.</p> <p><b>GREEN</b> - Consider student athletes wearing masks before and after practice, removing masks for practice while continuing social distancing when possible. If a student athlete is not actively engaged in drill or game, masks must be worn. Any athlete who prefers to wear a cloth face covering during a contest should be allowed to do so until guidelines state masks are no longer required</p> | <p>Head Coach<br/>Athletic Trainers<br/>Director of Athletics<br/>Building Principal</p> | <p>Masks</p> | <p>N</p> |
|--|--|--|--------------|----------|

| Requirements   | Action Steps<br>under Yellow and Green Phase   | Lead Individual<br>and Position   | Materials,<br>Resources, and or<br>Supports Needed  | PD Required<br>(Y/N)      |
|--|--|---|---|---------------------------|
| <b>Unique safety protocols for student athletes with complex needs or other vulnerable individuals</b> | <p><b>YELLOW</b> – Based on individual needs but in addition will remain compliant with the directives from the approved authorities.</p> <p>Safety protocols may be implemented for any student-athlete or staff member who needs accommodations due to medical reasons.</p> <p><b>GREEN</b> – Based on individual needs but in addition will remain compliant with the directives from the approved authorities.</p> <p>Safety protocols may be implemented for any student-athlete or staff member who needs accommodations due to medical reasons.</p> | Human Resources<br>Building Principal<br>Athletic Trainers<br>Director of Athletics<br>Head Coach | Guidelines from the State of Pennsylvania, CDC, PIAA, NFHS, and SFASD Health & Safety Plan. | Y – Safe Schools Training |
| <b>Management of Coaches and Athletic Staff</b>  | <p><b>YELLOW</b> – with the assistance of the Director Athletics we will follow a chain of command as we have done with in the past with any injury or illness to a coach and athletic staff. When the person is medically cleared they can resume coaching.</p> <p><b>GREEN</b> - – with the assistance of the Director Athletics we will follow a chain of command as we have done with in the past with any injury or illness to a coach and athletic staff. When the person is medically cleared they can resume coaching.</p>                         | Human Resources<br>Head Coach<br><br>Director of Athletics<br><br>Building Principal              | PA Department of Health and CCD Guidelines  | N                         |

## Athletics Health and Safety Plan Professional Development

| Topic   | Audience | Lead Person and Position                 | Session Format | Materials, Resources, and or Supports Needed | Start Date | Completion Date |
|---|----------|--|----------------|--|------------|-----------------|
| Coronavirus Awareness   | Coaches  | Mickey McDaniel<br>Director of Athletics | Online         | Safe Schools                                 | 6/24/2020  | 7/1/2020        |
| Coronavirus: CDC Guidelines for making and using cloth face coverings | Coaches  | Mickey McDaniel<br>Director of Athletics | Online         | Safe Schools                                 | 6/24/2020  | 7/1/2020        |
| Coronavirus: Cleaning and disinfecting your workplace                 | Coaches  | Mickey McDaniel<br>Director of Athletics | Online         | Safe Schools                                 | 6/24/2020  | 7/1/2020        |
| Coronavirus: Managing stress and anxiety                              | Coaches  | Mickey McDaniel<br>Director of Athletics | Online         | Safe Schools                                 | 6/24/2020  | 7/1/2020        |
| Coronavirus: Reopening your Organization                              | Coaches  | Mickey McDaniel<br>Director of Athletics | Online         | Safe Schools                                 | 6/24/2020  | 7/1/2020        |
| Using Non-Contact Thermometers  | Coaches  | Mickey McDaniel<br>Director of Athletics | In-person      | Documentation                                | 6/24/2020  | 7/1/2020        |
| COVID-19 Monitoring Form – How to use                                 | Coaches  | Mickey McDaniel<br>Director of Athletics | In-person      | Documentation                                | 6/24/2020  | 7/1/2020        |

## **Classification of Sports –**

**Higher Risk:** Sports that involve close, sustained contact between participants, lack of significant protective barriers, and high probability that respiratory particles will be transmitted between participants.

*Examples: Wrestling, football, boys' lacrosse, competitive cheer*

**Moderate Risk:** Sports that involve close, sustained contact, but with protective equipment in place that may reduce the likelihood of respiratory particle transmission between participants OR intermittent close contact OR group sports OR sports that use equipment that can't be cleaned between participants.

*Examples: Basketball, volleyball\*, baseball\*, softball\*, soccer, field hockey, tennis\*, swimming relays, pole vault\*, high jump\*, long jump\*, girls lacrosse, 7 on 7 football*

\*Could potentially be considered "Lower Risk" with appropriate cleaning of equipment and use of masks by participants

**Lower Risk:** Sports that can be done with social distancing or individually with no sharing of equipment or the ability to clean the equipment between use by competitors.

*Examples: Individual running events, throwing events (javelin, shot put, discus), individual swimming, golf, strength and conditioning, alpine skiing, sideline cheer, cross country running (with staggered starts)*

## **Transportation**

Modifications for student/coach transportation to and from athletic events may be necessary. This may include:

1. Reducing the number of students/coaches on a bus/van
2. Using hand sanitizer upon boarding a bus/van
3. Social distancing on a bus
4. Limiting events to a certain performance level (Varsity, JV, Freshman, Middle School)

These potential modifications will be determined by the school district, bus companies, Department of Education, State and Local governments.

## **Who is allowed to attend an event?**

Grouping of people into tiers from essential to non-essential and decide which will be allowed at an event:

- Tier 1 (Essential) – Athletes, coaches, officials, event staff, medical staff, security
- Tier 2 (Preferred) – Media
- Tier 3 (Non-essential) – Spectators, vendors

Tier 1 and 2 personnel will be allowed to attend events until state/local governments lift restrictions on mass gatherings.

Changes to seating capacity and social distancing may be necessary for each venue facility and will be determined as more recommendations are released by the local/state governments.

## **Overnight/Out of State Events/ Events in COVID-19 Hot Spots**

The Spring-Ford Area School District will evaluate each event and follow all local/state government guidelines on a case by case basis. Every consideration will be taken as to not expose students to unnecessary or potential high risk exposure.

## **Symptoms of COVID-19**

People with COVID-19 have had a wide range of symptoms reported – ranging from mild symptoms to severe illness.

Symptoms may appear 2-14 days after exposure to the virus. People with these symptoms may have COVID-19:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

This list does not include all possible symptoms. CDC will continue to update their website as we learn more about COVID-19.

## **COVID-19 Everyday Prevention Actions**

The Centers for Disease Control and Prevention is working to help keep you and your community safe from the threat of novel, or new coronavirus. Take the following everyday steps to help avoid the spread of all respiratory viruses:

- Wash your hands often with soap and water for at least 20 seconds
- Cover your cough or sneeze with a tissue, throw the tissue away, and then wash your hands.
- Avoid touching your eyes, nose, and mouth
- **Wear a mask and practice social distancing when not actively engaged in competition.**
  - Avoid close contact with people who are sick.
  - Stay home if you are sick. **Contact your physician or appropriate healthcare professional for direction.**
    - **In the event you are advised to quarantine, please access the link below regarding quarantine guidelines**  
<https://www.montcopa.org/DocumentCenter/View/28389/Final-Version-COVID-19-School-Exclusion-Guide-002>

## **What to do if a student or staff become ill with COVID-19 symptoms during practice, event, or during transportation to or from an event?**

1. Every effort will be made to isolate the ill individual from others, until the student or staff member can leave the school or event
2. If student, parent/guardian will be contacted immediately, and arrangements will be made for the student to be picked up
3. The ill individual will be asked to contact their physician or appropriate healthcare professional for direction **and follow the quarantine guidelines per the local health department before returning to practice” and this link which is updated as needed**  
<https://www.montcopa.org/DocumentCenter/View/28389/Final-Version-COVID-19-School-Exclusion-Guide-002>

## **Return of student or staff to athletics following a COVID-19 diagnosis?**

1. Athletes/Coaches who were previously diagnosed with COVID 19 and have recovered must receive a written clearance from his/her physician and submit the written documentation to the Director of Athletics and Athletic Trainer prior to returning to participate in the sport.
2. If any student tests positive for COVID 19 and attended a workout/practice or was on the school campus within a 14-day period, he/she must appropriately notify the coach and the Director of Athletics of the matter and testing results. Contact tracing will then be initiated by school personnel and communicated directly to the Director of Athletics and Building Principal.

**SF COVID Liaison will be notified by Director of Athletics to contact local health department**

3. **Student or staff must isolate per the local health department's guidelines and** should have medical clearance from their physician or appropriate healthcare professional, determined to be non-contagious, Fever free (without fever-reducing medicine), improvement in respiratory symptoms (cough, shortness of breath), no vomiting or diarrhea.

<https://www.montcopa.org/DocumentCenter/View/28389/Final-Version-COVID-19-School-Exclusion-Guide-002>”

## **Education of Staff**

**Staff, Coaches, Parents and Athletes will be educated on the following (through posters, flyers, meetings, emails, phone calls):**

1. COVID-19 signs and symptoms
2. Proper ways to limit exposure to COVID-19 (hand washing, cough in your elbow, disinfecting touched surfaces, social distancing, avoid touching eyes, nose, face and mouth, no spitting, gum chewing, etc.)
3. No Handshakes/Celebrations (high fives, fist/elbow bumps, chest bumps, hugging), etc.
4. The content of this Health & Safety Plan.
5. Any pertinent COVID-19 information released by state/local governments, NFHS, and PIAA.



6. Students should come dressed for activity
7. Limit indoor activities and the areas used. Locker room use is not permitted Facility showers cannot be used
8. Student Athletes should remain with their assigned groups during each workout and during daily workouts to limit the number of people they come in contact with.
9. No students allowed in training areas, athletic training room and the Physical Education Center without the presence of an athletic trainer



COVID-19 Everyday prevention actions: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/CDC-COVID-19-PSA-Everyday-Prevention-Actions.pdf>

Guidance for All Sports Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees, Athletes and the Public. - June 10, 2020 <https://www.governor.pa.gov/covid-19/sports-guidance/>

NFHS: Guidance for Opening Up High School Athletics and Activities - May 2020 [https://nfhs.org/media/3812287/2020-nfhs-guidance-for-opening-up-high-school-athletics-and-activities-nfhs-smac-may-15\\_2020-final.pdf](https://nfhs.org/media/3812287/2020-nfhs-guidance-for-opening-up-high-school-athletics-and-activities-nfhs-smac-may-15_2020-final.pdf)

Prevention - <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention-H.pdf>

Symptoms of Coronavirus - [https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fabout%2Fsymptoms.html](https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fabout%2Fsymptoms.html)

Concession stands or other food must adhere to the Guidance for Businesses in the Restaurant Industry.  
<https://www.governor.pa.gov/covid-19/restaurant-industry-guidance/>

A Guide to Re-Entry to Athletics in Texas Secondary Schools  
By Jamie Woodall, MPH, LAT, ATC, CPH and Josh Woodall Med, LAT, ATC

## Athletics Health and Safety Plan Governing Body Affirmation Statement

The Board of Directors/Trustees for **Spring-Ford Area School District** reviewed and approved the Athletics Health and Safety Plan on **(Insert Date as Month, Day, Year)**.

The plan was approved by a vote of:

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

Affirmed on: **(Insert Date as Month, Day, Year)**

By:

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*(Signature of Board President)*

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*(Print Name of Board President)*

Revised 9/11/2020

|         |  |
|---------|--|
| Book    | Policy Manual  |
| Section | 100 Programs   |
| Title   | Discrimination/Title IX Sexual Harassment Affecting Students |
| Code    | 103  |
| Status  | Second Reading   |

### **Authority**

The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs **and activities** offered in the schools without discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability.[\[1\]\[2\]\[3\]\[4\]\[5\]\[6\]\[7\]\[8\]\[9\]\[10\]\[11\]\[12\]\[13\]\[14\]\[15\]\[16\]\[17\]](#)

**The Board also declares it to be the policy of this district to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education<sup>1</sup>, or both.**

The district is committed to the maintenance of a safe, positive learning environment for all students that is free from discrimination by providing all students course offerings, counseling, assistance, services, employment, athletics and extracurricular activities without any form of discrimination, **including Title IX sexual harassment**. Discrimination is inconsistent with the **rights of students and the** educational and programmatic goals of the district and is **prohibited at or, in the course of, district-sponsored programs or activities, including transportation to or from school or school-sponsored activities**.

**Violations of this policy, including acts of retaliation as described in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures.**[\[18\]\[19\]\[20\]\[21\]](#)

**The Board directs that the foregoing statement of Board policy be included in each student and staff handbook, and that this policy and related attachments be posted to the district's website.**

**The Board requires a notice stating that the district does not discriminate in any manner, including Title IX sexual harassment, in any district education program or activity, to be issued to all students, persons in parental relations, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional agreements with the district. All discrimination notices and information shall include the title, office address, telephone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator.**

### **Complaints of Title IX Sexual Harassment and Other Discrimination and Retaliation**

<sup>1</sup> [https://ocrcas.ed.gov/contact-ocr?field\\_state\\_value=679](https://ocrcas.ed.gov/contact-ocr?field_state_value=679)

The Board encourages students and third parties who believe they or others have been subject to **Title IX sexual harassment, other discrimination or retaliation** to promptly report such incidents to **the building principal**, even if some elements of the related incident took place or originated away from school grounds, school activities or school conveyances. **A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a complaint of discrimination.**

**The student's persons in parental relations or any other person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building principal.**

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, as well as properly making any mandatory police or child protective services reports required by law.[22]

**If the building principal is the subject of a complaint, the student, third party or a reporting employee shall report the incident directly to the Title IX Coordinator.**

The complainant or **the individual making the complaint may use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form attached to this policy for purposes of reporting an incident or incidents in writing**; however, **verbal complaints of an incident or incidents** shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

**The building principal shall promptly notify the Title IX Coordinator of all complaints of discrimination, Title IX sexual harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.**

**The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in Attachment 2 to this policy, or if the reported circumstances meet the definition of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3, or other Board policies.**

### **Disciplinary Procedures When Complaints Allege Title IX Sexual Harassment**

**When a complaint alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in Attachment 3. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.[18][20][23][24]**

**When an emergency removal, as described in Attachment 3, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable.[18][19][20][23]**

**When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance process for formal complaints. Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in**

**the written determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable.**

### Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a **complaint** and the investigation **related to any form of discrimination or retaliation, including Title IX sexual harassment**, shall be handled in accordance with **applicable law, regulations, this policy, the attachments** and the district's legal and investigative obligations. [\[25\]](#)[\[26\]](#)[\[27\]](#)[\[28\]](#)[\[29\]](#)

### Retaliation

The Board prohibits retaliation by **the district** or any other person against any person for: [\[28\]](#)

1. Reporting **or making a formal complaint** of **any form of** discrimination **or retaliation, including Title IX sexual harassment.**
2. **Testifying, assisting, participating or refusing to participate** in a related investigation, **process or other proceeding** or hearing.
3. **Acting in opposition to** practices the person reasonably believes to be discriminatory.

The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against **anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if retaliation is believed to have occurred.**

### Definitions

**Complainant shall mean an individual who is alleged to be the victim.**

**Respondent shall mean an individual alleged to be the perpetrator of the discriminatory conduct.**

### Discrimination

**Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including** race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy, **or** handicap/disability.

**Harassment is a form of discrimination based on the protected classifications listed in this policy consisting** of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when such conduct is:

1. Sufficiently severe, persistent or pervasive; and
2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities or opportunities offered by a school.

### Definitions Related to Title IX Sexual Harassment

**Formal complaint shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a**

party in the grievance process for formal complaints. The phrase “document filed by a complainant” refers to a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.[\[27\]](#)[\[30\]](#)

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.[\[30\]](#)

Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:[\[30\]](#)

1. Counseling.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Changes in work or housing locations.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. Assistance from domestic violence or rape crisis programs.
11. Assistance from community health resources including counseling resources.

Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student’s behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations or Board policy.[\[17\]](#)[\[18\]](#)[\[23\]](#)[\[24\]](#)[\[31\]](#)

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:[\[30\]](#)

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual’s participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.



- a. ***Dating violence*** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:[\[32\]](#)
  - i. **Length of relationship.**
  - ii. **Type of relationship.**
  - iii. **Frequency of interaction between the persons involved in the relationship.**
- b. ***Domestic violence*** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[\[32\]](#)
- c. ***Sexual assault*** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[\[33\]](#)
- d. ***Stalking***, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:[\[32\]](#)
  - i. **Fear for their safety or the safety of others.**
  - ii. **Suffer substantial emotional distress.**

**Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An education program or activity includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.**[\[26\]](#)[\[27\]](#)[\[30\]](#)

**Consent** exists when all parties exchange mutually understandable affirmative words or actions indicating their agreement to participate voluntarily in sexual activity. Consent must be informed, voluntary, and actively given. Resistance by the complainant is not required. Consent does not exist if the sexual act was by forcible compulsion which is the use of physical, intellectual, moral, emotional or psychological force. Consent does not exist if a person is threatened, unconscious, incapacitated due to the influence of drugs and/or alcohol, or suffers from a mental disability that makes them incapable of giving consent. Consent may be withdrawn by either party at any time. Once withdrawal of consent has been expressed through words or actions, sexual activity must cease. Pennsylvania defines the age of consent as age 16 or above. Children under age 13 cannot consent to sexual activity. Children between the ages of 13-15 cannot consent to sexual intercourse with a person four or more years older than them.

## **Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates [\[34\]](#) **Sydney McGill as the district's Compliance Officer and Elizabeth Leiss as the district's Title IX Coordinator.**

**The Compliance Officer can be contacted at:**

**Address: 857 South Lewis Road, Royersford, PA 19468**

**Email: smcgi@spring-ford.net**

**Phone Number: 610-705-6208**

**The Title IX Coordinator can be contacted at:**

**Address: 857 South Lewis Road, Royersford, PA 19468**

**Email: eleis@spring-ford.net**

**Phone Number: 610-705-6124**

The Compliance Officer **and Title IX Coordinator shall fulfill designated responsibilities** to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures and to monitor the implementation of the district's nondiscrimination procedures in the following areas, **as appropriate:**

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - **Provide** training for students and staff to prevent, identify and alleviate problems of discrimination.
3. Resources - Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure **or Title IX procedures**, such as making reports to the police, and available **supportive measures such as** assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
4. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
5. District Support - **Ensure** that like aspects of the school programs **and activities** receive like support as to staffing and compensation, facilities, equipment, and related areas.**[35]**
6. Student Evaluation - Review of assessments, procedures, and guidance and counseling materials for stereotyping and discrimination.
7. **Reports/Formal** Complaints - Monitor and provide technical assistance to **individuals involved in managing informal and formal** complaints.

## **Guidelines**

### **Title IX Sexual Harassment Training Requirements**

**The Compliance Officer and Title IX Coordinator, investigator(s), decision-maker(s), or any individual designated to facilitate an informal resolution process related to Title IX sexual**

harassment shall receive the following training, as required or appropriate to their specific role:

1. **Definition of sexual harassment.**
2. **Scope of the district's education program or activity, as it pertains to what is subject to Title IX regulations.**
3. **How to conduct an investigation and grievance process for formal complaints, including examination of evidence, drafting written determinations, handling appeals and informal resolution processes, as applicable.**
4. **How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.**
5. **Use of relevant technology.**
6. **Issues of relevance including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.**
7. **Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.**
8. **How to address complaints when the alleged conduct does not qualify as Title IX sexual harassment but could be addressed under another complaint process or Board policy.**

**All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes.**

**All training materials shall be posted on the district's website.**

### **Disciplinary Consequences**

**A student who is determined to be responsible for violation of this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to:[18][19][20]**

1. **Loss of school privileges;**
2. **Permanent transfer to another school building, classroom or school bus;**
3. **Exclusion from school-sponsored activities;**
4. **Detention;**
5. **Suspension; and**
6. **Expulsion**

**An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal.[21][36]**

### **Complaints of Discrimination**

**Any complaints of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX sexual harassment but are based on race, color, age, creed,**

**religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability shall follow the Discrimination Complaint Procedures in Attachment 2 to this policy.**

**Complaints of Title IX Sexual Harassment**

**Any complaints deemed by the Title IX Coordinator to meet the definition of sexual harassment under Title IX shall follow the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3 to this policy.**

**DISCRIMINATION/SEXUAL HARASSMENT/BULLYING/  
HAZING/DATING VIOLENCE/RETALIATION  
REPORT FORM**

The Board declares it to be the policy of this district to provide a safe, positive learning and working environment that is free from bullying, hazing, dating violence, sexual harassment and other discrimination, and retaliation. If you have experienced, or if you have knowledge of, any such actions, we encourage you to complete this form. The Title IX Coordinator will be happy to support you by answering any questions about the report form, reviewing the report form for completion and assisting as necessary with completion of the report. The Title IX Coordinator's contact information is:

Position: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**Retaliation Prohibited**

The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against you for filing this report. Please contact the Title IX Coordinator immediately if you believe retaliation has occurred.

**Confidentiality**

Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with applicable law, regulations, Board policy, procedures, and the district's legal and investigative obligations. The school will take all reasonable steps to investigate and respond to the report, consistent with a request for confidentiality as long as doing so does not preclude the school from responding effectively to the report. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX Coordinator prior to filing the report. Once this report is filed, the district has an obligation to investigate the information provided.

***Note:** For purposes of Title IX sexual harassment, this Report Form serves initially as an informal report, not a formal complaint of Sexual Harassment under Title IX.*

**I. Information About the Person Making This Report:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

School Building: \_\_\_\_\_

I am a:

☐ Student    ☐ Parent/Guardian    ☐ Employee    ☐ Volunteer    ☐ Visitor

☐ Other \_\_\_\_\_ (please explain relationship to the district)

If you are not the victim of the reported conduct, please identify the alleged victim:

Name: \_\_\_\_\_

The alleged victim is: ☐ Your Child    ☐ Another Student    ☐ A District Employee

☐ Other: \_\_\_\_\_ (please explain relationship to the alleged victim)

**II. Information About the Person(s) You Believe is/are Responsible for the Bullying, Hazing, Harassing or Other Discrimination You are Reporting**

What is/are the name(s) of the individual(s) you believe is/are responsible for the conduct you are reporting?

Name(s):

**The reported individual(s) is/are:**

☐ Student(s)    ☐ Employee(s)

☐ Other \_\_\_\_\_ (please explain relationship to the district)

### **III. Description of the Conduct You are Reporting**

In your own words, please do your best to describe the conduct you are reporting as clearly as possible. Please attach additional pages if necessary:

When did the reported conduct occur? (Please provide the specific date(s) and time(s) if possible):

Where did the reported conduct take place?

Please provide the name(s) of any person(s) who was/were present, even if for only part of the time.

Please provide the name(s) of any other person(s) that may have knowledge or related information surrounding the reported conduct.

Have you reported this conduct to any other individual prior to giving this report?

☐ Yes      ☐ No

If yes, who did you tell about it?

If you are the victim of the reported conduct, how has this affected you?

I affirm that the information reported above is true to the best of my knowledge, information and belief.

---

Signature of Person Making the Report

---

Date

---

Received By

---

Date



**FOR OFFICIAL USE ONLY**

*This section is to be completed by the Title IX Coordinator based on reviewing the report with the complainant or other individual making the report.*

*The purpose of this form is to assist the Title IX Coordinator in gathering information necessary to properly assess the circumstances surrounding the reported conduct to determine if the allegations fall under the definition of Title IX sexual harassment or if the matter merits review and action under the Code of Student Conduct and/or other Board policies. The Title IX Coordinator shall gather as much information as possible in cases of incomplete or anonymous reports (including those that may be received through the Safe2Say Something program) to assess the report.*

*Upon receipt of the report, The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures as described in Policy 103 and Attachment 3. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.*

**I. Reporter Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

School Building: \_\_\_\_\_

Reporter is a:

☐ Student    ☐ Parent/Guardian    ☐ Employee    ☐ Volunteer    ☐ Visitor

☐ Other \_\_\_\_\_ (please explain relationship to the district)

If the reporter is not the victim of the reported conduct, please identify the alleged victim:

Name: \_\_\_\_\_

The alleged victim is: ☐ Reporter's Child    ☐ Another Student    ☐ Another Employee

☐ Other: \_\_\_\_\_ (please explain relationship to the alleged victim)

## II. Respondent Information

Please state the name(s) of the individual(s) believed to have conducted the reported violation:

Name(s):

**The reported respondent(s) is/are:**

- ☐ Student(s)      ☐ Employee(s)
- ☐ Other \_\_\_\_\_ (please explain relationship to the district)

## III. Level of Report:

- ☐ Informal      ☐ Formal (see additional information below on Title IX formal complaints)

## IV. Type of Report:

- ☐ Title IX Sexual Harassment      ☐ Discrimination      ☐ Retaliation      ☐ Bullying
- ☐ Hazing      ☐ Dating Violence      ☐ Other \_\_\_\_\_

**Nature of the Report (check all that apply):**

- |  |   |
|--|---|
| <input type="checkbox"/> Race                | <input type="checkbox"/> Age                          |
| <input type="checkbox"/> Color               | <input type="checkbox"/> Creed                        |
| <input type="checkbox"/> Religion            | <input type="checkbox"/> Sex                          |
| <input type="checkbox"/> Sexual Orientation  | <input type="checkbox"/> Sexual Harassment (Title IX) |
| <input type="checkbox"/> National Origin     | <input type="checkbox"/> Ancestry                     |
| <input type="checkbox"/> Marital Status      | <input type="checkbox"/> Pregnancy                    |
| <input type="checkbox"/> Handicap/Disability | <input type="checkbox"/> Bullying                     |
| <input type="checkbox"/> Hazing              | <input type="checkbox"/> Dating Violence              |

## V. Reported Conduct

Describe the reported conduct below, including specific actions, dates, times, locations and any other details necessary to properly assess the reported incident(s).

How often did the conduct occur?

Is it being repeated?      ☐ Yes      ☐ No

Do the circumstances involve a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act?

☐ No.

☐ Yes, please identify the student with a disability and contact the Director of Special Education.

Date Director of Special Education was contacted: \_\_\_\_\_

How has the conduct affected the alleged victim's ability to fully participate in the school's academic, programs, activities or school employment?

What is the alleged victim's relationship with the alleged respondent?

Insert names, descriptions, and/or contact information of individuals believed to have observed the conduct or who otherwise may have knowledge of the conduct and/or related circumstances.

Additional observations or evidence including pictures, texts, emails, video or other information submitted to the Title IX Coordinator.

## **VI. Safety Concerns**

Are there safety concerns that may require Emergency Removal of or Administrative Leave for a respondent? (This requires an individualized safety and risk analysis as to whether there is an immediate threat to the physical health or safety of a student or other individual.)

☐ No.

☐ Yes, please describe:

## VII. Other Reports

Has the conduct been reported to the police or any other agency?

☐ No

☐ Yes      Date reported: \_\_\_\_\_ Agency: \_\_\_\_\_

## VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

- ☐ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students
- ☐ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff
- ☐ Policy 247. Hazing
- ☐ Policy 249. Bullying
- ☐ Policy 252. Dating Violence
- ☐ Other \_\_\_\_\_

To meet the definition of Title IX sexual harassment, the conduct must have taken place during a district education program or activity involving a person in the United States. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.

Did the incident occur during a during a school program or activity involving a person in the United States?

☐ Yes

☐ No

To meet the definition of Title IX sexual harassment, the conduct needs to satisfy one or more of the following (please check all that apply):

- ☐ A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as quid pro quo sexual harassment.
- ☐ Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
- ☐ Sexual assault, dating violence, domestic violence or stalking.

**Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:

- Length of relationship.
- Type of relationship.
- Frequency of interaction between the persons involved in the relationship.

**Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Sexual assault** means a sexual offense under a state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

**Stalking** means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:

1. Fear for their safety or the safety of others.
2. Suffer substantial emotional distress.

## **IX. Recommended Course of Action**

After consultation with the complainant and consideration of the reported information, the Title IX Coordinator directs the report to proceed under the provisions of (check all that apply):

☐ No further action at this time. Reason:

☐ Policy 247. Hazing

☐ Policy 249. Bullying

☐ Policy 252. Dating Violence

☐ Other \_\_\_\_\_

☐ Policy 103 Discrimination/Title IX Sexual Harassment Affecting Students: Attachment 2  
Discrimination Complaint Procedures

- ☐ Policy 104 Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 2  
Discrimination Complaint Procedures
- ☐ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students: Attachment 3 Title  
IX Sexual Harassment Procedures and Grievance Process for Formal Complaints
- ☐ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 3 Title IX  
Sexual Harassment Procedures and Grievance Process for Formal Complaints

## **X. Title IX Information to Complainant**

What supportive measures were discussed with the complainant, and what were the complainant's wishes with respect to supportive measures?

Upon designating a course of action under Title IX sexual harassment, the Title IX Coordinator will promptly:

1. Explain to the complainant the process for filing a formal complaint.
2. Inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.
3. The Title IX Coordinator shall contact a student complainant's parents/guardians and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints.

If the complainant/reporter, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being of the complainant or other person(s), the Title IX Coordinator will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold or delay notification of the report from the complainant's parents/guardians.

4. Determine what supportive measures may be offered to the respondent.
5. Determine whether the complainant wishes this report to be treated as a formal complaint.

## **XI. Title IX Coordinator Signature**

I recommend the above course of action based on my consultation with the complainant and the information available at this time.

Title IX Coordinator: \_\_\_\_\_

Date: \_\_\_\_\_

## **XII. Title IX Formal Complaint Action**

The Title IX Coordinator shall have the complainant check the appropriate box and sign and date below to indicate whether or not the complainant wishes to have this form serve as a formal complaint pursuant to Title IX.

I would like my report to be treated as a formal complaint pursuant to Title IX.

☐ Yes

☐ No

Complainant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

If the complainant does not wish this report to be treated as a formal complaint pursuant to Title IX, the Title IX Coordinator must assess whether actions limited to supportive measures are a sufficient response to alleged behavior, or whether a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is an employee, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. The Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

As Title IX Coordinator, I have determined that, notwithstanding the complainant's preference, it is necessary to proceed with the Grievance Process for Formal Complaints for the following reasons:

Therefore, I am signing this form for the purpose of serving as the formal complaint initiating that process:

Title IX Coordinator's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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## DISCRIMINATION COMPLAINT PROCEDURES

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*The Discrimination Complaint Procedures prescribed in this Attachment apply to complaints of retaliation or discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability that do not constitute Title IX sexual harassment as defined in the Policy 103.*

*All complaints of discrimination shall be reviewed by the Title IX Coordinator upon receipt to determine if the allegations meet the definition and parameters of sexual harassment under Title IX. If the result of this review determines that the allegations fall within the scope of Title IX sexual harassment, then the process set forth in Policy 103 Attachment 3 for Title IX Sexual Harassment shall be followed.*

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All complaints of discrimination and retaliation brought pursuant to the district's discrimination policy shall also be reviewed for conduct which may not be proven discriminatory under Policy 103 but merits review and possible action under the Code of Student Conduct and other Board policies. (Pol. 103.1, 218, 247, 249)

### Definitions

**Complainant** shall mean an individual who is alleged to be the victim.

**Consent** exists when all parties exchange mutually understandable affirmative words or actions indicating their agreement to participate voluntarily in sexual activity. Consent must be informed, voluntary, and actively given. Resistance by the complainant is not required. Consent does not exist if the sexual act was by forcible compulsion which is the use of physical, intellectual, moral, emotional or psychological force. Consent does not exist if a person is threatened, unconscious, incapacitated due to the influence of drugs and/or alcohol, or suffers from a mental disability that makes them incapable of giving consent. Consent may be withdrawn by either party at any time. Once withdrawal of consent has been expressed through words or actions, sexual activity must cease. Pennsylvania defines the age of consent as age 16 or above. Children under age 13 cannot consent to sexual activity. Children between the ages of 13-15 cannot consent to sexual intercourse with a person four or more years older than them.

**Respondent** shall mean an individual who has been reported to be the perpetrator of the alleged conduct.

**Discrimination** shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy, or handicap/disability.



**Harassment** is a form of discrimination based on the protected classifications listed in this policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when such conduct is:

1. Sufficiently severe, persistent or pervasive; and
2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities or opportunities offered by a school.

**Retaliation** shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report discrimination or harassment, participate in an investigation or other process addressing discrimination or harassment, or act in opposition to discriminatory practices.

#### Reasonable Accommodations

Throughout the discrimination complaint procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 138, 251, 128, 906)

#### Required Reporting Under Other Policies

In addition to implementing the disciplinary complaint procedures, the building principal or Compliance Officer shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317.1, 345, 440, 445, 545, 806)

#### Timeframes

Reasonably prompt timeframes shall be established for completing each step of the discrimination complaint procedures, including timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent and documented with the records of the complaint. Good cause may include, but is not limited

to, considerations such as:

1. The absence of a party or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

## **PROCEDURES FOR COMPLAINTS OF DISCRIMINATION**

### **Step 1 – Reporting**

A student or individual who believes they have been subject to discrimination by any student, employee or third party is encouraged to immediately report the incident to the building principal using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form or by making a general complaint verbally or in writing to the building principal.

Persons in parental relations of students have the right to act on behalf of their child, whether complainant, the respondent, or other individual, at any time.

Any person with knowledge of discrimination in violation of Board policy or this procedure is encouraged to immediately report the matter to the building principal.

A school employee who suspects or is notified that a student has been subject to discrimination shall immediately report the incident to the building principal. Additionally, employees who have reasonable cause to suspect that a child is the victim of child abuse, shall immediately report the suspected abuse, in accordance with applicable law, regulations and Board policy. (Pol. 806)

The building principal shall immediately notify the Title IX Coordinator and Compliance Officer of the reported discrimination.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Title IX Coordinator and/or Compliance Officer.

The complainant or reporting individual shall be encouraged to use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form, however, complaints shall be accepted in person, by telephone, by mail or email, or by any other means that results in the appropriate individual receiving the individual's verbal or written complaint. Verbal complaints shall be documented using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form, and these procedures shall be implemented.

The Title IX Coordinator shall review complaints and may gather additional information from the individual submitting the complaint and other parties identified in the complaint using the

Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form. The Title IX Coordinator shall promptly contact the complainant to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in this Attachment 2, or if the reported circumstances meet the definition and parameters of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3, or other applicable Board policies.

If the Title IX Coordinator determines that the complaint should be addressed through the discrimination complaint procedures, the Compliance Officer shall be notified and the complaint procedures in this Attachment 2 shall be implemented.

When any party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the Supervisor of Special Education and coordinate to determine whether additional steps must be taken for the party, while the discrimination complaint procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, functional behavioral assessment (FBA) or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

## **Step 2 – Initial Communications/Supports**

The complainant shall be informed about the Board's policy on discrimination, including the right to an investigation of both verbal and written complaints of discrimination.

The building principal or designee, in consultation with the Compliance Officer, Title IX Coordinator and other appropriate individuals, shall promptly implement appropriate measures to protect the complainant and others as necessary from violation of the policy throughout the course of the investigation.

The building principal or designee may provide to the complainant factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. The person accepting the complaint shall handle the complaint objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or respondent.

The building principal or designee shall seek to obtain consent from persons in parental relations to initiate an investigation where the complainant or alleged victim is under age eighteen (18), and inform persons in parental relations of the complainant that the complainant may be

accompanied by a parent/guardian during all steps of the complaint procedure. When a parent/guardian requests confidentiality and will not consent to the alleged victim's participation in an investigation, the building principal or designee shall explain that the school shall take all reasonable steps to investigate and respond to the complaint consistent with that request for confidentiality as long as doing so does not preclude the school from responding effectively to the discrimination and preventing discrimination that affects other students.

The building principal or Compliance Officer shall provide relevant information on resources available in addition to the discrimination complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources, including counseling resources.

### *Informal Remedies -*

At any time after a complaint has been reported, if the Compliance Officer believes the circumstances are appropriate, the Compliance Officer may offer the parties involved in the complaint the opportunity to participate in informal remedies to address the reported conduct. Informal remedies can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, restorative practices, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services, or other measures to support the parties.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal remedies shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation to indicate agreement with the resolution and receive a copy, and forward it to the Compliance Officer.

The Compliance Officer shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies and shall document all appropriate actions.

\*If the informal remedies result in the final resolution of the complaint, the following steps are not applicable.

### **Step 3 – Investigation**

The Compliance Officer shall assess whether the investigation should be conducted by the building principal, another district employee, the Compliance Officer or an attorney and shall promptly assign the investigation to that individual. When a parent/guardian has requested confidentiality and will not consent to the alleged victim's participation in an investigation, the Compliance Officer shall provide the parent/guardian with a letter containing information related to the district's legal obligations to conduct an investigation and address violations of Board policy, and any other information appropriate to the specific complaint.

The Compliance Officer shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination and retaliation issues and Board policy, and how to conduct investigations and draft an investigative report.

The investigator shall work with the Compliance Officer to assess the anticipated scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the respondent may suggest additional witnesses and provide other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The investigation may consist of individual interviews with the complainant, the respondent, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the complaint, parties, persons in parental relations and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Compliance Officer, who shall promptly inform law enforcement authorities about the allegations.

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation, and the reason for such delay shall be documented by the investigator.

#### **Step 4 – Investigative Report**

The investigator shall prepare and submit a written report to the Compliance Officer within thirty (30) school days of the initial complaint of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Compliance Officer to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The investigative report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the

basis for this determination, whether the conduct violated Board Policy 103 or any other Board policy or law which may warrant further district action, and a recommended disposition of the complaint. An investigation into discrimination or harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of Board policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

The complainant and the respondent shall be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written investigative report, to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The respondent shall not be notified of the individual remedies offered or provided to the complainant.

### **Step 5 – District Action**

If the investigation results in a finding that some or all of the allegations of the discrimination complaint are founded and constitute a violation of Board policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the district education program or activity. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of Policy 103 or these procedures, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary. (Pol. 113.1, 218, 233, 247, 249)

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations. (Pol. 103, 104, 113.1, 218, 233, 317, 417, 517)

### **Appeal Procedure**

If the complainant or the respondent is not satisfied with a finding made pursuant to these procedures or with recommended corrective action, they may submit a written appeal to the Compliance Officer within ten (10) school days of receiving notification of the outcome of the investigation. If the Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent.

The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

The person handling the appeal shall prepare a written response to the appeal within fifteen (15) school days.

Copies of the response shall be provided to the complainant, the respondent and the investigator who conducted the initial investigation.

## TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

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*The Title IX sexual harassment procedures and grievance process for formal complaints prescribed in this attachment apply only when a complaint includes allegations of sexual harassment subject to Title IX regulations. (34 CFR 106.44, 106.45)*

*All other complaints of discrimination or retaliation shall follow the complaint procedures established in Policy 103 Attachment 2 regarding discrimination.*

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### Definitions

**Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to the district's Title IX Coordinator or any district official who has the authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school, other than the respondent.

**Consent** exists when all parties exchange mutually understandable affirmative words or actions indicating their agreement to participate voluntarily in sexual activity. Consent must be informed, voluntary, and actively given. Resistance by the complainant is not required. Consent does not exist if the sexual act was by forcible compulsion which is the use of physical, intellectual, moral, emotional or psychological force. Consent does not exist if a person is threatened, unconscious, incapacitated due to the influence of drugs and/or alcohol, or suffers from a mental disability that makes them incapable of giving consent. Consent may be withdrawn by either party at any time. Once withdrawal of consent has been expressed through words or actions, sexual activity must cease. Pennsylvania defines the age of consent as age 16 or above. Children under age 13 cannot consent to sexual activity. Children between the ages of 13-15 cannot consent to sexual intercourse with a person four or more years older than them.

**Exculpatory evidence** means evidence tending to exonerate the accused or helps to establish their innocence.

**Inculpatory evidence** means evidence tending to incriminate the accused or indicate their guilt.

**Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator the complainant or other party during the grievance process. The phrase “**document filed by a complainant**” refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.



**Retaliation** shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report conduct that may constitute discrimination or harassment, including Title IX sexual harassment, in accordance with Board policy and procedures, participate in an investigation or other process addressing discrimination or Title IX sexual harassment, or act in opposition to discriminatory practices.

The following actions shall not constitute retaliation:

1. An individual exercising free speech under the rights protected by the First Amendment.
2. The assignment of consequences consistent with Board policy and the Code of Student Conduct when an individual knowingly makes a materially false statement in bad faith in an investigation. The fact that the charges of discrimination were unfounded or unsubstantiated shall not be the sole reason to conclude that any party made a materially false statement in bad faith.

**Supportive measures** mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures shall be designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:

1. Counseling.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Changes in work or housing locations.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. Assistance from domestic violence or rape crisis programs.
11. Assistance from community health resources including counseling resources.

**Supportive measures** may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations or Board policy. (Pol. 103.1, 113, 113.1, 113.2, 113.3)

**Title IX sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.
  - a. **Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
    - 1) Length of relationship.
    - 2) Type of relationship.
    - 3) Frequency of interaction between the persons involved in the relationship.
  - b. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
  - c. **Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
  - d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:

- 1) Fear for their safety or the safety of others.
- 2) Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment subject to Title IX regulations. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs.

## **TITLE IX SEXUAL HARASSMENT PROCEDURES**

### General Response – (with or without a formal complaint)

Any person, whether the alleged victim or not, may report Title IX sexual harassment using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form or by making a general complaint verbally or in writing to the building principal, or by using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written complaint. Upon receipt of a complaint, school staff shall immediately notify the building principal.

A complaint may be made at any time, including during nonbusiness hours. Verbal complaints shall be documented by the Title IX Coordinator or employee receiving the complaint using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form, and these procedures shall be implemented appropriately.

District staff who become aware of bullying, hazing, harassment or other discrimination affecting a student or staff member shall promptly report it to the building principal.

Persons in parental relations of students have the right to act on behalf of their child, whether they are the complainant, the respondent, or other individual, at any time.

When the district has actual knowledge of Title IX sexual harassment, the district is required to respond promptly and in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances.

All sexual harassment complaints received by the building principal shall be promptly directed to the Title IX Coordinator, in accordance with Board policy. The Title IX Coordinator shall use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form to gather additional information from the reporter and/or other parties identified in the complaint, to determine if the allegations meet the definition and parameters for Title IX sexual harassment.

The Title IX Coordinator shall promptly contact the complainant to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator

shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall initially assess whether the reported conduct:

1. Meets the definition of Title IX sexual harassment.
2. Occurred in a district program or activity under the control of the district and against a person in the United States.
3. Involves other Board policies or the Code of Student Conduct.
4. Indicates, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of an individual.
5. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. (Pol. 103.1, 113)

If the result of this initial assessment determines that none of the allegations fall within the scope of Title IX sexual harassment, but the matter merits review and possible action under the Code of Student Conduct and other Board policies or Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the complaint to the appropriate administrator to address the allegations. (Pol. 103, 103.1, 113.1, 218, 247, 249, 317, 417, 517)

If the result of the initial assessment determines that the allegations may constitute Title IX sexual harassment, the Title IX Coordinator shall promptly explain to the complainant the process for filing a formal complaint and inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.

The Title IX Coordinator shall contact the persons in parental relations and provide them with information regarding the complaint and Title IX sexual harassment procedures and grievance process for formal complaints.

If the complainant, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the persons in parental relations could cause serious harm to the health or well-being of the complainant or other person(s), the Title IX Coordinator will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold or delay notification of the complaint from the complainant's persons in parental relations.

The Title IX Coordinator shall also determine what supportive measures may be offered to the respondent.

If either party is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the Supervisor of Special Education to coordinate the required actions in accordance with Board policy. (Pol. 113, 113.1, 113.2, 113.3)

Confidentiality regarding the supportive measures offered and the identity of the following individuals shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation: (20 U.S.C. Sec. 1232g; 34 CFR Parts 99, 106; Pol. 113.4, 216)

1. Individuals making an informal or formal complaint.
2. Complainant(s).
3. Respondent(s).
4. Witnesses.

The district shall treat complainants and respondents equitably by:

1. Offering supportive measures to the complainant and may offer such measures to the respondent.
2. Following the grievance process for formal complaints before imposing disciplinary sanctions or other actions that are not supportive measures on the respondent.

*Disciplinary Procedures When Complaints Allege Title IX Sexual Harassment -*

When complaints allege Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.

When an emergency removal, as described below, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable. (Pol. 113.1, 113.2, 113.3, 233)

When an emergency removal is not required, disciplinary sanctions will be considered in the course of the Title IX grievance process for formal complaints. Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in the written determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable. (Pol. 113.1, 113.2, 218, 233)

*Supportive Measures -*

All supportive measures provided by the district shall remain confidential, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. (34 CFR 106.44)

When any party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the Supervisor of Special Education and coordinate to determine whether additional steps must be taken as supportive measures for the party while the Title IX procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, FBA or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

#### *Reasonable Accommodations –*

Throughout the Title IX sexual harassment procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 138, 251, 128)

#### *Emergency Removal –*

If the district has determined, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of any student or other individual due to the allegations of Title IX sexual harassment, the respondent may be removed from the district's education program or activity or moved to an alternative setting, consistent with all rights under federal and state laws and regulations, and Board policy, including but not limited to the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. If the respondent is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the Supervisor of Special Education to coordinate the required actions in accordance with Board policy. The respondent shall be provided with notice and provided an opportunity for due process, in accordance with law, regulations and Board policy. When expulsion is necessary because continuation of educational services is not feasible, the Board's written adjudication of expulsion shall address the pending Title IX process and the impact of the outcome of the Title IX process on a student's emergency removal status. (20 U.S.C. Sec. 1400 et seq. ; 29 U.S.C. Sec. 794 ; 42 U.S.C. Sec. 12101 et seq. ; 34 CFR 106.44 ; Pol. 103.1, 113.1, 233)

#### *Administrative Leave -*

When an employee, based on an individualized safety and risk analysis, poses an immediate threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis.

An accused nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with

state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract. (29 U.S.C. Sec. 794, 42 U.S.C. Sec. 12101 et seq., 34 CFR 106.44, Pol. 317, 417, 517)

#### *Required Reporting Under Other Policies -*

In addition to implementing the Title IX sexual harassment procedures, the Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317, 345, 417, 440, 445, 517, 545, 806)

#### Timeframes

Reasonably prompt timeframes shall be established for the conclusion of the grievance process for formal complaints, including timeframes for the informal resolution process and timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party, a party's advisor or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

#### Redirection or Dismissal of Title IX Formal Complaints

Formal complaints may be dismissed, if at any time during the investigation or written determination steps described below:

1. A complainant provides written notification of withdrawal of any allegations or of the formal complaint.
2. The respondent is no longer enrolled or employed by the district in a district program or activity.
3. Specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Only alleged conduct that occurred in the district's education program or activity, and against a person in the United States, may qualify as Title IX sexual harassment within the district's jurisdiction. If it is determined during the investigation or written determination steps below that none of the allegations, if true, would meet the definition and parameters of Title IX sexual harassment within the district's jurisdiction, the Title IX Coordinator shall dismiss the formal complaint under Title IX. If the matter merits review and possible action under the Code of Student Conduct and other Board policies or Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the complaint to the appropriate administrator to address the allegations.

Written notification shall be promptly issued to the parties simultaneously of any allegations found not to qualify or that are dismissed in compliance with Title IX. Written notification shall state whether the allegations will continue to be addressed pursuant to the Code of Student Conduct and other Board policies or Attachment 2 addressing Discrimination Complaints.

A dismissal may be appealed via the appeal procedures set forth in this Attachment.

#### Consolidation of Title IX Formal Complaints

The district may consolidate formal complaints against more than one (1) respondent, or by more than one (1) complainant against one or more respondents, or by one (1) individual against another individual, where the allegations of sexual harassment arise out of the same facts or circumstances.

### **GRIEVANCE PROCESS FOR FORMAL COMPLAINTS**

#### **Step 1 – Formal Complaint**

The district is required to initiate the grievance process for formal complaints when a complainant or the complainant's parent/guardian files a formal complaint. The Title IX Coordinator is also authorized to initiate this process despite a complainant's wishes when actions limited to supportive measures are not a sufficient response to alleged behavior, or when a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is an employee, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. Only the Title IX Coordinator is authorized to initiate the formal complaint process despite a complainant's wishes, but the Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

The complainant or the Title IX Coordinator shall use the designated section of the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form to file or sign a formal complaint.



The Title IX Coordinator shall assess whether the investigation should be conducted by the building principal, another district employee, the Title IX Coordinator or an attorney and shall promptly assign the investigation to that individual.

The Title IX Coordinator, investigator, decision-maker, or any individual designated to facilitate the informal resolution process, each must have completed the required training for such roles as designated in Board policy and shall not have a conflict of interest or bias for or against an individual complainant or respondent, or for or against complainants or respondents in general.

The respondent shall be presumed not responsible for the alleged conduct until a written determination regarding responsibility has been made at the conclusion of the grievance process for formal complaints.

#### *Notice Requirements -*

Upon receipt of a formal complaint, or when the Title IX Coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX Coordinator shall provide written notice to all known parties, and the persons in parental relations of known parties, where applicable, providing the following information:

1. Notice of the district's grievance process for formal complaints and any informal resolution process that may be available.
2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
  - a. The identity of the parties involved, if known.
  - b. The conduct allegedly constituting sexual harassment.
  - c. The date and location of the alleged incident(s), if known.
3. A statement that a written determination regarding responsibility shall be made at the conclusion of the grievance process for formal complaints and, until that time, the respondent is presumed not responsible for the alleged conduct.
4. Notice that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence.
5. Notice that Board policy and the district's Code of Student Conduct prohibits knowingly making false statements or knowingly submitting false information to school officials in connection with reports of misconduct or discrimination complaints.
6. Notice to all known parties of any additional allegations that the district decides to investigate during the course of the investigation.

## **Step 2 – Informal Resolution Process**

At any time after a formal complaint has been filed, but prior to reaching a determination of responsibility, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process, which does not involve a full investigation and adjudication of the Title IX sexual harassment complaint. The informal resolution process cannot be offered or used to facilitate a resolution for any formal complaint where the allegations state that an employee sexually harassed a student

The district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal Title IX sexual harassment complaints. Similarly, a district may not require the parties to participate in an informal resolution process.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, restorative practices, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services, or supportive measures.

When offering an informal resolution process, the Title IX Coordinator shall:

1. Provide the parties a written notice disclosing the following:
  - a. The allegations.
  - b. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process for formal complaints.
  - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties shall be informed of the rights being waived by agreeing to the informal resolution process and shall acknowledge such agreement in writing.
3. The informal resolution process shall be conducted within ten (10) school days of the parties' signed agreement for the informal resolution process.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal resolution process shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and

forward it to the Title IX Coordinator within five (5) school days. Within twenty (20) school days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator shall document the informal resolution process, responses from all parties, and an explanation of why the district's response was not deliberately indifferent to the reported complaint of sexual harassment.

**\*If Step 2 Informal Resolution Process results in the final resolution of the complaint, the following steps are not applicable.**

### **Step 3 – Investigation**

The designated investigator, if other than the Title IX Coordinator, shall work with the Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation. The investigation stage shall be concluded within thirty (30) school days.

When investigating a formal complaint, the investigator shall:

1. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a written determination. During the process of gathering evidence, unless the district obtains the voluntary, written consent of the party, or the party's parent/guardian when legally required, the district cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party. (Pol. 113.4, 207, 209, 216, Safe2Say Something Procedures)
2. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence.
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. However, the district may request a nondisclosure agreement be signed by the parties and their advisor(s), if any, stating that they will not disseminate or disclose evidence and documents exchanged in the investigation.
5. Provide the parties with the same opportunities to have others present during any interview or other meeting, including an advisor of the party's choice. The district may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate.
6. Provide written notice to any party whose participation is invited or expected during the investigation process with the following information, in sufficient time for the party to

prepare to participate:

- a. Date.
  - b. Time.
  - c. Location.
  - d. Participants.
  - e. Purpose of all investigative interviews or other meetings.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the district does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.

If at any point the investigation expands to include additional allegations that were not included in the initial notice provided upon initiation of the grievance process for formal complaints, the investigator shall alert the Title IX Coordinator. The Title IX Coordinator shall provide written notice of the new allegations to the known parties.

Prior to the completion of the investigative report, the investigator shall:

1. Send to each party and the party's advisor, if any, the evidence subject to inspection and review in electronic or hard copy format.
2. Provide the parties at least ten (10) school days following receipt of the evidence to submit a written response.
3. Consider the written response prior to drafting the investigative report.

The investigator shall draft an investigative report that fairly summarizes relevant evidence and shall provide the investigative report to all parties and to the designated decision-maker.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX Coordinator, who shall promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and Board policy. (Pol. 218, 317.1, 806)

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to request for a delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or

child protective services investigation and the reason for such delay shall be documented by the investigator.

In the course of an investigation, it is possible that conduct other than, or in addition to, Title IX sexual harassment may be identified as part of the same incident or set of circumstances. The fact that there may be Title IX sexual harassment involved does not preclude the district from addressing other identified violations of the Code of Student Conduct or Board policy. If such other conduct is being investigated and addressed together with Title IX sexual harassment as part of the Title IX grievance process for formal complaints, disciplinary action normally should not be imposed until the completion of the Title IX grievance process for formal complaints. A decision whether and when to take such action should be made in consultation with the school solicitor.

#### **Step 4 – Written Determination and District Action**

##### *Designation of Decision-Maker -*

To avoid any conflict of interest or bias, the decision-maker cannot be the same person as the Title IX Coordinator or the investigator. The responsibility as the decision-maker for complaints of Title IX sexual harassment shall generally be designated to the building principal.

If the decision-maker has a conflict of interest or is a party in the formal complaint process, they shall disclose the conflict and the Title IX Coordinator shall designate another individual to serve as the decision-maker.

##### *Written Determination Submissions -*

A written determination of responsibility (written determination) must not be finalized less than ten (10) days after the investigator completes the investigative report and provides it to all parties. Before the decision-maker reaches a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, shall provide each party with the answers, and shall allow for additional, limited follow-up questions from each party.

Relevant questions for a party or witness must be submitted by each party within five (5) school days following receipt of the investigative report. Follow-up questions must be submitted by each party within three (3) school days of being provided the answers to the initial questions.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as part of the follow-up questions and responses, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The decision-maker shall explain to the party proposing the questions about any decision to exclude a question as not relevant.

### *Written Determination -*

The decision-maker must issue a written determination for the conduct alleged in formal complaints. To reach this determination, the decision-maker shall apply the preponderance of the evidence standard. Preponderance of the evidence is defined as more likely than not. By applying the standard, the decision-maker will determine if the evidence shows that it is more likely than not that the respondent is responsible for the allegations.

In considering evidence, the decision-maker shall ensure credibility determinations are not based on an individual's status as a complainant, respondent or witness.

After considering all relevant evidence, the decision-maker shall issue a written determination that includes:

1. Identification of the allegations potentially constituting Title IX sexual harassment.
2. A description of the procedural steps taken from the receipt or signing of the formal complaint through the written determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of the district's Code of Student Conduct or Board policies to the facts.
5. A statement of, and rationale for, the result as to each allegation, including:
  - a. Determination regarding responsibility.
  - b. Disciplinary sanctions.
  - c. Remedies designed to restore or preserve equal access to the district's education program or activity that will be provided by the district to the complainant. Such remedies may be punitive or disciplinary and need not avoid burdening the respondent.
6. The procedures, deadline and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination becomes final either:

1. On the date that the district provides the parties with the written decision of the result of the appeal, if an appeal is filed;

2. Or, if an appeal is not filed, on the date on which an appeal would no longer be considered timely, in accordance with the timeframe established for appeals in this Attachment.

The Title IX Coordinator shall be responsible to ensure that any remedies are implemented by the appropriate district officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities. (Pol. 113.1, 218, 233, 317, 417, 517)

### **Appeal Process**

Districts must offer both parties the right to appeal a determination of responsibility and the right to appeal the district's dismissal of a Title IX formal complaint or any allegation in the Title IX formal complaint. The scope of appeals related to Title IX sexual harassment are limited to the following reasons for appeal as stated in the Title IX regulations:

1. A procedural irregularity that affected the outcome of the matter.
2. New evidence that that could affect the outcome was not reasonably available at the time the decision to dismiss or determination of responsibility was made.
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the individual complainant or respondent or for or against complainants or respondents generally that affected the outcome of the matter.

Written notice of a party's appeal shall be submitted to the Title IX Coordinator within ten (10) school days after the date of the written determination. Notice of appeal shall include a brief statement describing the basis for the appeal.

The Title IX Coordinator shall ensure that the designated appeal authority is not the same person as the decision-maker that reached the determination, the investigator, or the Title IX Coordinator. The designated appeal authority must be trained in Title IX and may be the District solicitor, an internal hearing officer, or an external hearing officer.

For all appeals, the designated appeal authority shall:

1. Provide written notice to the other party when notice of an appeal is filed and implement appeal procedures equally for both parties.
2. Provide both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the stated basis for the appeal. Supporting statements shall describe in detail as applicable the procedural irregularities asserted to have affected the outcome of the determination, the nature of any new evidence asserted to have affected the outcome, and the nature of any bias asserted to have affected the outcome, with an explanation of how the outcome was affected by such factors. If evidence exists supporting the basis for appeal, it

shall accompany the supporting statement, or it shall identify where such evidence may be found.

Supporting statements must be submitted to the appeal authority and provided to the other party within five (5) school days of the written notice of appeal.

Statements in opposition to the appeal shall be submitted within five (5) school days of the submission of supporting statements. If a statement in opposition to an appeal refers to any evidence beyond what is described in a supporting statement, it shall accompany the statement in opposition, or it shall identify where such evidence may be found.

The appeal authority may accept and consider evidence in support of or in opposition to an appeal in making any conclusions necessary to deciding the appeal. Alternatively, when the appeal authority determines that factors exist making it necessary for the decision-maker to further develop the evidentiary record relevant to the basis for appeal, the appeal authority may return the matter to the decision-maker for that limited purpose.

3. Determine whether the appeal meets the grounds for permitted reasons for appeal and justifies modifying the written determination.
4. Issue a written decision setting forth the respects, if any, in which the written determination is modified and the rationale for the result within ten (10) school days.
5. Provide the written decision simultaneously to both parties. A copy of the written decision shall also be provided to the Title IX Coordinator.

#### Recordkeeping

The district shall maintain the following records for a of a minimum of seven (7) years after conclusion of procedures and implementation of disciplinary sanctions and/or remedies, or in the case of a complainant or respondent who is a minor, until the expiration of the longest statute of limitations for filing a civil suit applicable to any allegation:

1. Each Title IX sexual harassment investigation, including any written determination and any audio or audiovisual recording or transcript, and disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity.
2. Any appeal and the result.
3. Any informal resolution and the result.
4. All materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process.



5. Records of any district actions, including any supportive measures, taken in response to a complaint of Title IX sexual harassment. In each instance, the district shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity. If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

## Template for Letter Documenting Parental Objection to Child's Participation in an Investigation

**NOTE:** THIS DOCUMENT SERVES AS A TEMPLATE ONLY AND HAS TO BE MODIFIED BY THE SCHOOL ENTITY PRIOR TO USE. THE DOCUMENT CANNOT BE USED IN ITS CURRENT FORM.

### [DISTRICT LETTERHEAD]

ADDRESSED TO: **Alleged Victim's Parents/Guardians**

RE: **Report** of discrimination made on **[DATE]** on behalf of **[STUDENT]**

Dear \_\_\_\_\_:

On **[DATE]** you met with **[NAME OF: BUILDING PRINCIPAL, COMPLIANCE OFFICER, TITLE IX COORDINATOR]** to discuss an alleged violation of **[SCHOOL DISTRICT'S]** Policy No. 103, prohibiting **Title IX sexual harassment and other discrimination affecting students**. The allegations involved ***[VERY BRIEF DESCRIPTION OF INCIDENT OR GENERAL INCIDENTS WITHOUT NAMING NAMES, e.g. that a fellow student reported a teacher in the high school inappropriately texted your child suggesting they have dinner together; that your student reported a classmate in math class has been touching their thigh every day and talking about how cute they are, making them uncomfortable; that a custodian reported hearing an identified group of students use racial slurs against your child; that your child reported to you that a teacher criticized your family's religion as being terroristic, etc.].***

In this discussion, you stated that you wish to maintain confidentiality and do not consent to **[STUDENT'S]** participation in an investigation. Because the district has a legal obligation to address potential violations of Policy 103, the district will conduct an investigation and maintain confidentiality to the extent this is consistent with the district's obligations to address and prevent violations of this policy. Any violations of policy which may be uncovered through this investigation will be addressed. The **[SCHOOL DISTRICT]** prohibits retaliation against any individual who has made a complaint, and alleged victims or individuals who participate in related investigations. If at any time you wish to withdraw your request for confidentiality and have your child participate in the investigation, please notify me immediately. If at any time your child believes there have been additional violations of Policy 103, including any retaliatory behavior, please contact me at your earliest convenience to permit the district to properly address such matters. This will be treated as a new complaint with a new opportunity to determine your child's participation.

Feel free to contact me with any questions. My contact information is:

Sincerely,

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**Title IX Coordinator**

|         |   |
|---------|---|
| Book    | Policy Manual   |
| Section | 100 Programs  |
| Title   | Discrimination/Title IX Sexual Harassment Affecting Staff |
| Code    | 104   |
| Status  | Second Reading  |

### **Authority**

The Board declares it to be the policy of this district to provide to all persons equal access to all categories of employment in this district, regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, genetic information, pregnancy or handicap/disability. The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.[\[1\]\[2\]\[3\]\[4\]\[5\]\[6\]\[7\]\[8\]\[9\]\[10\]\[11\]\[12\]](#)

**The Board also declares it to be the policy of this district to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education<sup>1</sup>, or both.**

**The Board directs that the foregoing statement of Board policy be included in each student and staff handbook, and that this policy and related attachments be posted to the district's website.**

**The Board requires a notice stating that the district does not discriminate in any manner, including Title IX sexual harassment, in any district education program or activity, to be issued to all students, persons in parental relations, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional agreements with the district. All discrimination notices and information shall include the title, office address, telephone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator.**

### **Complaints of Title IX Sexual Harassment and Other Discrimination and Retaliation**

The Board encourages employees and third parties who believe they or others have been subject to **Title IX sexual harassment, other discrimination or retaliation** to promptly report such incidents to **the building principal or building administrator. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a complaint of discrimination.**

**If the building principal or building administrator is the subject of a complaint, the complainant or the individual making the complaint shall report of the incident to the Title IX Coordinator.**

The complainant or **the individual making the report may use the Discrimination/Sexual Harassment/Retaliation Report Form attached to this policy for purposes of reporting an**

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<sup>1</sup> [https://ocr cas.ed.gov/contact-ocr?field\\_state\\_value=679](https://ocr cas.ed.gov/contact-ocr?field_state_value=679)

**incident or incidents in writing**; however, **verbal reports of an incident or incidents** shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

**The building principal or building administrator shall promptly notify the Title IX Coordinator of all complaints of discrimination, Title IX sexual harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.**

**The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in Attachment 2 to this policy, or if the reported circumstances meet the definition of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3, or other Board policies.**

### **Disciplinary Procedures when Complaints Allege Title IX Sexual Harassment**

**When a complaint alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in Attachment 3. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.**

### ***Administrative Leave –***

**When an employee, based on an individualized safety and risk analysis, poses an immediate threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis, in accordance with applicable law.**

**An accused, nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract.**

### **Confidentiality**

Confidentiality of all parties, witnesses, the allegations, the filing of a **complaint**, and the investigation **related to any form of discrimination or retaliation, including Title IX sexual harassment**, shall be handled in accordance with **applicable law, regulations, this policy, the attachments** and the district's legal and investigative obligations. [\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)

### **Retaliation**

The Board prohibits retaliation by **the district** or any other person against any person for: [\[16\]](#)

1. **Reporting or making a formal complaint of any form of discrimination or retaliation, including Title IX sexual harassment.**
  2. **Testifying, assisting, participating or refusing to participate** in a related investigation, **process or other proceeding** or hearing.
  3. **Acting in opposition to** practices the person reasonably believes to be discriminatory.
- The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are**

encouraged to contact the Title IX Coordinator immediately if they believe retaliation has occurred.

### **Definitions**

**Complainant shall mean an individual who is alleged to be the victim.**

**Respondent shall mean an individual alleged to be the perpetrator of the discriminatory conduct.**

### **Discrimination**

**Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, sexual orientation, genetic information, ancestry, national origin, marital status, pregnancy, or handicap/disability.**

**Harassment is a form of discrimination based on the protected classifications listed in this policy consisting** of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related work performance, including when:[\[9\]](#)

1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or
2. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or
3. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or otherwise creates an intimidating, hostile, or offensive working environment such that it alters the complainant's working conditions.

### **Definitions Related to Title IX Sexual Harassment**

**Formal complaint shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints. The phrase "document filed by a complainant" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.**[\[15\]](#)[\[18\]](#)

**Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.**[\[18\]](#)

**Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:**[\[18\]](#)

1. Counseling or Employee Assistance Program.
2. Extensions of deadlines or other course-related adjustments.

3. **Modifications of work or class schedules.**
4. **Campus escort services.**
5. **Mutual restrictions on contact between the parties.**
6. **Changes in work locations.**
7. **Leaves of absence.**
8. **Increased security.**
9. **Monitoring of certain areas of the campus.**
10. **Assistance from domestic violence or rape crisis programs.**
11. **Assistance from community health resources including counseling resources.**

**Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:**[\[18\]](#)

1. **A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.**
2. **Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.**
3. **Sexual assault, dating violence, domestic violence or stalking.**
  - a. ***Dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:**[\[19\]](#)
    - i. **Length of relationship.**
    - ii. **Type of relationship.**
    - iii. **Frequency of interaction between the persons involved in the relationship.**
  - b. ***Domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.**[\[19\]](#)
  - c. ***Sexual assault* means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime**

reporting system of the Federal Bureau of Investigation.[\[20\]](#)

- d. ***Stalking***, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:[\[19\]](#)

i. **Fear for their safety or the safety of others.**

ii. **Suffer substantial emotional distress.**

**Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An education program or activity includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.**[\[14\]](#)[\[15\]](#)[\[18\]](#)

**Consent** exists when all parties exchange mutually understandable affirmative words or actions indicating their agreement to participate voluntarily in sexual activity. Consent must be informed, voluntary, and actively given. Resistance by the complainant is not required. Consent does not exist if the sexual act was by forcible compulsion which is the use of physical, intellectual, moral, emotional or psychological force. Consent does not exist if a person is threatened, unconscious, incapacitated due to the influence of drugs and/or alcohol, or suffers from a mental disability that makes them incapable of giving consent. Consent may be withdrawn by either party at any time. Once withdrawal of consent has been expressed through words or actions, sexual activity must cease. Pennsylvania defines the age of consent as age 16 or above. Children under age 13 cannot consent to sexual activity. Children between the ages of 13-15 cannot consent to sexual intercourse with a person four or more years older than them.

### **Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates [\[21\]](#) **Sydney McGill as the district's Compliance Officer and Elizabeth Leiss as the district's Title IX Coordinator.**

**The Compliance Officer can be contacted at:**

**Address: 857 South Lewis Road, Royersford, PA 19468**

**Email: [smcgi@spring-ford.net](mailto:smcgi@spring-ford.net)**

**Phone Number: 610-705-6208**

**The Title IX Coordinator can be contacted at:**

**Address: 857 South Lewis Road, Royersford, PA 19468**

**Email: [eleis@spring-ford.net](mailto:eleis@spring-ford.net)**

**Phone Number: 610-705-6124**

The Compliance Officer **and Title IX Coordinator** shall **fulfill designated responsibilities** to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or

modifications to procedures and to monitor the implementation of **the district's** nondiscrimination procedures in the following areas, **as appropriate**:

1. Review - Review of personnel practices and actions for discriminatory bias and compliance with laws against discrimination to include monitoring and recommending corrective measures when appropriate to written position qualifications, job descriptions and essential job functions; recruitment materials and practices; procedures for screening applicants; application and interviewing practices for hiring and promotions; district designed performance evaluations; review of planned employee demotions, non-renewal of contracts, and proposed employee disciplinary actions up to and including termination.
2. Training - **Provide** training for supervisors and staff to prevent, identify and alleviate problems of employment discrimination.
3. Resources - Maintain and provide information to staff on resources available to alleged victims in addition to the school complaint procedure **or Title IX procedures**, such as making reports to the police, and available **supportive measures such as** assistance from domestic violence or rape crisis programs, and community health resources including counseling resources.
4. Complaints - Monitor and provide technical assistance to **individuals involved in managing informal and formal** complaints.

### **Guidelines**

#### **Title IX Sexual Harassment Training Requirements**

**The Compliance Officer and Title IX Coordinator, investigator(s), decision-maker(s), or any individual designated to facilitate an informal resolution process related to Title IX sexual harassment shall receive the following training, as required or appropriate to their specific role:**

1. **Definition of sexual harassment.**
2. **Scope of the district's education program or activity, as it pertains to what is subject to Title IX regulations.**
3. **How to conduct an investigation and grievance process for formal complaints, including examination of evidence, drafting written determinations, handling appeals and informal resolution processes, as applicable.**
4. **How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.**
5. **Use of relevant technology.**
6. **Issues of relevance including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.**
7. **Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.**
8. **How to address complaints when the alleged conduct does not qualify as Title IX sexual harassment but could be addressed under another complaint process or Board policy.**

**All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes.**

**All training materials shall be posted on the district's website.**



### **Disciplinary Consequences**

**An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including.[22][23][24][25]**

### **Complaints of Discrimination**

**Any reports of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX sexual harassment but are based on race, color, age, creed, religion, sex, sexual orientation, ancestry, genetic information, national origin, marital status, pregnancy or handicap/disability shall follow the Discrimination Complaint Procedures in Attachment 2 to this policy.**

### **Reports of Title IX Sexual Harassment**

**Any reports deemed by the Title IX Coordinator to meet the definition of sexual harassment under Title IX shall follow the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3 to this policy.**

## **DISCRIMINATION/SEXUAL HARASSMENT/RETALIATION REPORT FORM**

The Board declares it to be the policy of this district to provide a safe, positive learning and working environment that is free from sexual harassment, other discrimination and retaliation. If you have experienced, or if you have knowledge of, any such actions, we encourage you to complete this form. The Title IX Coordinator will be happy to support you by answering any questions about the report form, reviewing the report form for completion and assisting as necessary with completion of the report. The Title IX Coordinator's contact information is:

Position:

Address:

Email:

Phone Number:

### **Retaliation Prohibited**

The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against you for making this report. Please contact the Title IX Coordinator immediately if you believe retaliation has occurred.

### **Confidentiality**

Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with Board policy, procedures, and the district's legal and investigative obligations. The school will take all reasonable steps to investigate and respond to the report, consistent with a request for confidentiality as long as doing so does not preclude the school from responding effectively to the report. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX Coordinator prior to filing the report. Once this report is filed, the district has an obligation to investigate the information provided.

*Note: For purposes of Title IX sexual harassment, this Report Form serves initially as an informal report, not a formal complaint of Sexual Harassment under Title IX.*

### **I. Information About the Person Making This Report:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Assigned School Building(s):

I am a:

☐ Employee      ☐ Volunteer      ☐ Visitor

☐ Other \_\_\_\_\_ (please explain relationship to the district)

If you are not the victim of the reported conduct, please identify the alleged victim:

Name: \_\_\_\_\_

The alleged victim is:

☐ Another Employee      ☐ Student

☐ Other: \_\_\_\_\_ (please explain relationship to the alleged victim)

**II. Information About the Person(s) You Believe is/are Responsible for the Harassment, Retaliation or Other Discrimination You are Reporting**

What is/are the name(s) of the individual(s) you believe is/are responsible for the conduct you are reporting?

Name(s):

**The reported individual(s) is/are:**

☐ Student(s)      ☐ Employee(s)

☐ Other \_\_\_\_\_ (please explain relationship to the district)

**III. Description of the Conduct You are Reporting**

In your own words, please do your best to describe the conduct you are reporting as clearly as possible. Please attach additional pages if necessary:

When did the reported conduct occur? (Please provide the specific date(s) and time(s) if possible):

Where did the reported conduct take place?

Please provide the name(s) of any person(s) who was/were present, even if for only part of the time.

Please provide the name(s) of any other person(s) that may have knowledge or related information surrounding the reported conduct.

Have you reported this conduct to any other individual prior to giving this report?

☐ Yes      ☐ No

If yes, who did you tell about it?

If you are the victim of the reported conduct, how has this affected you?

I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge. I understand that any false information provided herein is subject to penalties contained in 18 Pa. C.S.A. Sec. 4904, relating to unsworn falsification to authorities.

\_\_\_\_\_  
Signature of Person Making the Report

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received By

\_\_\_\_\_  
Date

**FOR OFFICIAL USE ONLY**

*This section is to be completed by the Title IX Coordinator based on reviewing the report with the complainant or other individual making the report.*

*The purpose of this form is to assist the Title IX Coordinator in gathering information necessary to properly assess the circumstances surrounding the reported conduct to determine if the allegations fall under the definition of Title IX sexual harassment or if the matter merits review and action under other Board policies. The Title IX Coordinator shall gather as much information as possible in cases of incomplete or anonymous reports (including those that may be received through the Safe2Say Something program) to assess the report.*

*Upon receipt of the report, The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures as described in Policy 104 and Attachment 3. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.*

**I. Reporter Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Assigned School Building(s):

Reporter is a:

☐ Employee      ☐ Volunteer      ☐ Visitor

☐ Other \_\_\_\_\_ (please explain relationship to the district)

If the reporter is not the victim of the reported conduct, please identify the alleged victim:

Name: \_\_\_\_\_

The alleged victim is:

☐ Another Employee      ☐ Student

☐ Other: \_\_\_\_\_ (please explain relationship to the alleged victim)

## II. Respondent Information

Please provide the name(s) of the individual(s) believed to have conducted the reported violation:

Name(s):

**The reported respondent(s) is/are:**

- ☐ Student(s)      ☐ Employee(s)
- ☐ Other \_\_\_\_\_ (please explain relationship to the district)

## III. Level of Report:

- ☐ Informal      ☐ Formal (see additional information below on Title IX formal complaints)

## IV. Type of Report:

- ☐ Title IX Sexual Harassment    ☐ Discrimination    ☐ Retaliation    ☐ Other \_\_\_\_\_

**Nature of the Report (check all that apply):**

- |  |  |
|--|--|
| <input type="checkbox"/> Race                | <input type="checkbox"/> Age                 |
| <input type="checkbox"/> Color               | <input type="checkbox"/> Creed               |
| <input type="checkbox"/> Religion            | <input type="checkbox"/> Sex                 |
| <input type="checkbox"/> Sexual Orientation  | <input type="checkbox"/> Sexual Harassment   |
| <input type="checkbox"/> National Origin     | <input type="checkbox"/> Ancestry            |
| <input type="checkbox"/> Marital Status      | <input type="checkbox"/> Pregnancy           |
| <input type="checkbox"/> Handicap/Disability | <input type="checkbox"/> Genetic Information |

## V. Reported Conduct

Describe the reported conduct below, including specific actions, dates, times, locations and any other details necessary to properly assess the reported incident(s).

How often did the conduct occur?

Is it being repeated?    ☐ Yes        ☐ No

Do the circumstances involve a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act?

☐ No.

☐ Yes, please identify the student with a disability and contact the Director of Special Education.

Date Director of Special Education was contacted: \_\_\_\_\_

How has the conduct affected the alleged victim's ability to fully participate in the school's programs or activities in the course of school employment?

What is the alleged victim's relationship with the alleged respondent?

Insert names, descriptions, and/or contact information of individuals believed to have observed the conduct or who otherwise may have knowledge of the conduct and/or related circumstances.

Additional observations or evidence including pictures, texts, emails, video or other information submitted to the Title IX Coordinator.

## **VI. Safety Concerns**

Are there safety concerns that may require Emergency Removal or Administrative Leave of a respondent? (This requires an individualized safety and risk analysis as to whether there is an immediate threat to the physical health or safety of an individual.)

☐ No.

☐ Yes, please describe:

## VII. Other Reports

Has the conduct been reported to the police or any other agency?

☐ No

☐ Yes      Date reported: \_\_\_\_\_ Agency: \_\_\_\_\_

## VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

☐ Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students

☐ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff

☐ Other \_\_\_\_\_

To meet the definition of Title IX sexual harassment, the conduct must have taken place during a district education program or activity involving a person in the United States. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.

Did the incident occur during a school program or activity involving a person in the United States?

☐ Yes

☐ No

To meet the definition of Title IX sexual harassment, the conduct needs to satisfy one or more of the following (please check all that apply):

☐ A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as quid pro quo sexual harassment.

☐ Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.

☐ Sexual assault, dating violence, domestic violence or stalking.



**Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:

- Length of relationship.
- Type of relationship.
- Frequency of interaction between the persons involved in the relationship.

**Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Sexual assault** means a sexual offense under a state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

**Stalking** means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:

1. Fear for their safety or the safety of others.
2. Suffer substantial emotional distress.

## **IX. Recommended Course of Action**

After consultation with the complainant and consideration of the reported information, the Title IX Coordinator directs the report to proceed under the provisions of (check all that apply):

☐ No further action at this time. Reason:

☐ Policy 104 Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 2  
Discrimination Complaint Procedures

☐ Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 3 Title IX  
Sexual Harassment Procedures and Grievance Process for Formal Complaints

☐ Other \_\_\_\_\_

## **X. Title IX Information to Complainant**

What supportive measures were discussed with the complainant, and what were the complainant's wishes with respect to supportive measures?

Upon designating a course of action under Title IX sexual harassment, the Title IX Coordinator will promptly:

1. Explain to the complainant the process for filing a formal complaint.
2. Inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.
3. Determine what supportive measures may be offered to the respondent.
4. Determine whether the complainant wishes this report to be treated as a formal complaint.

## **XI. Title IX Coordinator Signature**

I recommend the above course of action based on my consultation with the complainant and the information available at this time.

Title IX Coordinator: \_\_\_\_\_

Date: \_\_\_\_\_

## **XII. Title IX Formal Complaint Action**

The Title IX Coordinator shall have the complainant check the appropriate box and sign and date below to indicate whether or not the complainant wishes to have this form serve as a formal complaint pursuant to Title IX.

I would like my report to be treated as a formal complaint of sexual harassment pursuant to Title IX.

☐ Yes ☐ No

Complainant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

If the complainant does not wish this report to be treated as a formal complaint pursuant to Title IX, the Title IX Coordinator must assess whether actions limited to supportive measures are a sufficient response to alleged behavior, or whether instead a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is a supervisor, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. The Title IX Coordinator may consult with the school solicitor and other district official in making this decision.

As Title IX Coordinator, I have determined that, notwithstanding the complainant's preference, it is necessary to proceed with the Grievance Process for Formal Complaints for the following reasons:

Therefore, I am signing this form for the purpose of serving as the formal complaint initiating that process:

Title IX Coordinator's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## DISCRIMINATION COMPLAINT PROCEDURES

*The Discrimination Complaint Procedures prescribed in this Attachment apply to complaints of retaliation or discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability that do not constitute Title IX sexual harassment as defined in Policy 104.*

*All complaints of discrimination shall be reviewed by the Title IX Coordinator upon receipt to determine if the allegations meet the definition and parameters of sexual harassment under Title IX. If the result of this review determines that the allegations fall within the scope of Title IX sexual harassment, then the process set forth in Policy 104 Attachment 3 for Title IX Sexual Harassment shall be followed.*

All complaints of discrimination and retaliation brought pursuant to the district's discrimination policy shall also be reviewed for conduct which may not be proven discriminatory under Policy 104 but merits review and possible action under other Board policies or the Code of Student Conduct for students. (Pol. 103.1, 218, 317, 417, 517)

### Definitions

**Complainant** shall mean an individual who is alleged to be the victim.

**Consent** exists when all parties exchange mutually understandable affirmative words or actions indicating their agreement to participate voluntarily in sexual activity. Consent must be informed, voluntary, and actively given. Resistance by the complainant is not required. +Consent does not exist if the sexual act was by forcible compulsion which is the use of physical, intellectual, moral, emotional or psychological force. Consent does not exist if a person is threatened, unconscious, incapacitated due to the influence of drugs and/or alcohol, or suffers from a mental disability that makes them incapable of giving consent. Consent may be withdrawn by either party at any time. Once withdrawal of consent has been expressed through words or actions, sexual activity must cease. Pennsylvania defines the age of consent as age 16 or above. Children under age 13 cannot consent to sexual activity. Children between the ages of 13-15 cannot consent to sexual intercourse with a person four or more years older than them.

**Respondent** shall mean an individual who has been reported to be the perpetrator of the alleged conduct.

**Discrimination** shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, sexual orientation, genetic information, ancestry, national origin, marital status, pregnancy, or handicap/disability.

**Harassment** is a form of discrimination based on the protected classifications listed in the policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related work performance, including when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or
2. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or
3. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or otherwise creates an intimidating, hostile, or offensive working environment such that it alters the complainant's working conditions.

**Retaliation** shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report discrimination or harassment, participate in an investigation or other process addressing discrimination or harassment, or act in opposition to discriminatory practices.

#### Reasonable Accommodations

Throughout the discrimination complaint procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 104, 113, 128, 906)

#### Required Reporting Under Other Policies

In addition to implementing the disciplinary complaint procedures, the building principal, building administrator or Compliance Officer shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317.1, 805.1, 806, 824)

#### Timeframes

Reasonably prompt timeframes shall be established for completing each step of the discrimination complaint procedures, including timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

## **PROCEDURES FOR COMPLAINTS OF DISCRIMINATION**

### **Step 1 – Reporting**

An employee or individual who believes they have been subject to discrimination by any district student, employee or third party is encouraged to immediately report the incident to the building principal using the Discrimination/Sexual Harassment/Retaliation Report Form or by making a general complaint verbally or in writing to the building principal or building administrator. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a complaint of discrimination.

If a student is identified as a party in the complaint, persons in parental relations have the right to act on behalf of the student at any time.

Any person with knowledge of discrimination in violation of Board policy or this procedure is encouraged to immediately report the matter to the building principal or building administrator.

The building principal or building administrator shall immediately notify the Title IX Coordinator and Compliance Officer of the reported discrimination.

If the building principal or building administrator is the subject of a complaint, the person making the complaint shall report the incident directly to the Title IX Coordinator and/or Compliance Officer.

The complainant or reporting individual shall be encouraged to use the Discrimination/Sexual Harassment/Retaliation Report Form, however, complaints shall be accepted in person, by telephone, by mail or email, or by any other means that results in the appropriate individual receiving the individual's verbal or written complaint. Verbal complaints shall be documented using the Discrimination/Sexual Harassment/Retaliation Report Form, and these procedures shall be implemented.

The Title IX Coordinator shall review complaints and may gather additional information from the individual submitting the complaint and other parties identified in the complaint using the Discrimination/Sexual Harassment/Retaliation Report Form. The Title IX Coordinator shall promptly contact the complainant to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in this Attachment 2, or if the reported circumstances meet the definition and parameters of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3, or other applicable Board policies.

If the Title IX Coordinator determines that the complaint should be addressed through the discrimination complaint procedures, the Compliance Officer shall be notified and the complaint procedures in this Attachment 2 shall be implemented.

When a party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the Supervisor of Special Education and coordinate to determine whether additional steps must be taken for the party, while the discrimination complaint procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, functional behavioral assessment (FBA) or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

## **Step 2 – Initial Communications/Supports**

The complainant shall be informed about the Board's policy on discrimination, including the right to an investigation of both verbal and written complaints of discrimination.

The building principal, building administrator or designee, in consultation with the Compliance Officer, Title IX Coordinator and other appropriate individuals, shall promptly implement appropriate measures to protect the complainant and others as necessary from violation of the policy throughout the course of the investigation.

The building principal, building administrator or designee may provide to the complainant factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. The person accepting the complaint shall handle the complaint objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or respondent.

The building principal or Compliance Officer shall provide relevant information on resources available in addition to the discrimination complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources, including counseling resources.

### *Informal Remedies -*

At any time after a complaint has been reported, if the Compliance Officer believes the circumstances are appropriate, the Compliance Officer may offer the parties involved in the complaint the opportunity to participate in informal remedies to address the reported conduct. Informal remedies can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services such as an Employee Assistance Program, or other measures to support the parties.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal remedies shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation to indicate agreement with the resolution and receive a copy, and forward it to the Compliance Officer.

The Compliance Officer shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies, and shall document all appropriate actions.

\*If the informal remedies result in the final resolution of the complaint, the following steps are not applicable.

### **Step 3 – Investigation**

The Compliance Officer shall assess whether the investigation should be conducted by the building principal, building administrator another district employee, the Compliance Officer or an attorney and shall promptly assign the investigation to that individual.

The Compliance Officer shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination and retaliation issues and Board policy, and how to conduct investigations and draft an investigative report.

The investigator shall work with the Compliance Officer to assess the anticipated scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the respondent may suggest additional witnesses and provide other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.



The investigation may consist of individual interviews with the complainant, the respondent, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the complaint, parties, persons in parental relations, if applicable, and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Compliance Officer, who shall promptly inform law enforcement authorities about the allegations.

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation, and the reason for such delay shall be documented by the investigator.

#### **Step 4 – Investigative Report**

The investigator shall prepare and submit a written report to the Compliance Officer within thirty (30) school days of the initial complaint of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Compliance Officer to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The investigative report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated Board Policy 104 or any other Board policy or law which may warrant further district action, and a recommended disposition of the complaint. An investigation into discrimination or harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of Board policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

The complainant and the respondent shall be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written investigative report, to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The

respondent shall not be notified of the individual remedies offered or provided to the complainant.

### **Step 5 – District Action**

If the investigation results in a finding that some or all of the allegations of the discrimination complaint are founded and constitute a violation of Board policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the district education program or activity. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of Policy 104 or these procedures, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary. (Pol. 113.1, 218, 233, 317, 417, 517)

Disciplinary actions shall be consistent with Board policies and administrative regulations, the Code of Student Conduct for students, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations. (Pol. 103, 104, 113.1, 218, 233, 317, 417, 517)

### **Appeal Procedure**

If the complainant or the respondent is not satisfied with a finding made pursuant to these procedures or with recommended corrective action, they may submit a written appeal to the Compliance Officer within ten (10) school days of receiving notification of the outcome of the investigation. If the Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent.

The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

The person handling the appeal shall prepare a written response to the appeal within fifteen (15) school days.

Copies of the response shall be provided to the complainant, the respondent and the investigator who conducted the initial investigation.

## TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

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*The Title IX sexual harassment procedures and grievance process for formal complaints prescribed in this attachment apply only when a complaint includes allegations of sexual harassment subject to Title IX regulations. (34 CFR 106.44, 106.45)*

*All other complaints of discrimination or retaliation shall follow the complaint procedures established in Policy 104 Attachment 2 regarding discrimination.*

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### Definitions

**Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to the district's Title IX Coordinator or any district official who has the authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school, other than the respondent.

**Consent** exists when all parties exchange mutually understandable affirmative words or actions indicating their agreement to participate voluntarily in sexual activity. Consent must be informed, voluntary, and actively given. Resistance by the complainant is not required. Consent does not exist if the sexual act was by forcible compulsion which is the use of physical, intellectual, moral, emotional or psychological force. Consent does not exist if a person is threatened, unconscious, incapacitated due to the influence of drugs and/or alcohol, or suffers from a mental disability that makes them incapable of giving consent. Consent may be withdrawn by either party at any time. Once withdrawal of consent has been expressed through words or actions, sexual activity must cease. Pennsylvania defines the age of consent as age 16 or above. Children under age 13 cannot consent to sexual activity. Children between the ages of 13-15 cannot consent to sexual intercourse with a person four or more years older than them.

**Exculpatory evidence** means evidence tending to exonerate the accused or helps to establish their innocence.

**Inculpatory evidence** means evidence tending to incriminate the accused or indicate their guilt.

**Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator the complainant or other party during the grievance process. The phrase “**document filed by a complainant**” refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

**Retaliation** shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report conduct that may constitute discrimination or harassment, including Title IX sexual harassment, in accordance with Board policy and procedures, participate in an investigation or other process addressing discrimination or Title IX sexual harassment, or act in opposition to discriminatory practices.

The following actions shall not constitute retaliation:

1. An individual exercising free speech under the rights protected by the First Amendment.
2. The assignment of consequences consistent with Board policy when an individual knowingly makes a materially false statement in bad faith in an investigation. The fact that the charges of discrimination were unfounded or unsubstantiated shall not be the sole reason to conclude that any party made a materially false statement in bad faith.

**Supportive measures** mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures shall be designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:

1. Counseling or Employee Assistance Program.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Changes in work locations.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. Assistance from domestic violence or rape crisis programs.
11. Assistance from community health resources including counseling resources.

**Title IX sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.
  - a. **Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
    - 1) Length of relationship.
    - 2) Type of relationship.
    - 3) Frequency of interaction between the persons involved in the relationship.
  - b. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
  - c. **Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
  - d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:
    - 1) Fear for their safety or the safety of others.
    - 2) Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment subject to Title IX regulations. An **education program or activity** includes the locations, events or circumstances over which the

district exercises substantial control over both the respondent and the context in which the harassment occurs.

## **TITLE IX SEXUAL HARASSMENT PROCEDURES**

### General Response – (with or without a formal complaint)

Any person, whether the alleged victim or not, may report Title IX sexual harassment using the Discrimination/Sexual Harassment/Retaliation Report Form or by making a general complaint verbally or in writing to the building principal or building administrator, or by using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written complaint. Upon receipt of a complaint, school staff shall immediately notify the building principal or building administrator.

A complaint may be made at any time, including during nonbusiness hours. Verbal complaints shall be documented by the Title IX Coordinator or employee receiving the complaint using the Discrimination/Sexual Harassment/Retaliation Report Form, and these procedures shall be implemented appropriately.

District staff who become aware of harassment or other discrimination affecting a staff member shall promptly report it to the building principal or building administrator.

If a student is identified as a party in the complaint, persons in parental relations have the right to act on behalf of the student at any time.

When the district has actual knowledge of Title IX sexual harassment, the district is required to respond promptly and in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances.

All sexual harassment complaints received by the building principal or building administrator shall be promptly directed to the Title IX Coordinator, in accordance with Board policy. The Title IX Coordinator shall use the Discrimination/Sexual Harassment/Retaliation Report Form to gather additional information from the reporter and/or other parties identified in the complaint, to determine if the allegations meet the definition and parameters for Title IX sexual harassment.

The Title IX Coordinator shall promptly contact the complainant to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall initially assess whether the reported conduct:

1. Meets the definition of Title IX sexual harassment.

2. Occurred in a district program or activity under the control of the district and against a person in the United States.
3. Involves other Board policies or the Code of Student Conduct.
4. Indicates, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of an individual.
5. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. (Pol. 113)

If the result of this initial assessment determines that none of the allegations fall within the scope of Title IX sexual harassment, but the matter merits review and possible action under other Board policies, the Code of Student Conduct or Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the complaint to the appropriate administrator to address the allegations. (Pol. 103, 113.1, 218, 317, 417, 517)

If the result of the initial assessment determines that the allegations may constitute Title IX sexual harassment, the Title IX Coordinator shall promptly explain to the complainant the process for filing a formal complaint and inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.

The Title IX Coordinator shall also determine what supportive measures may be offered to the respondent.

If any party is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the Director of Special Education to coordinate the required actions in accordance with Board policy. (Pol. 113, 113.1, 113.2, 113.3)

Confidentiality regarding the supportive measures offered and the identity of the following individuals shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation: (20 U.S.C. Sec. 1232g; 34 CFR Parts 99, 106; Pol. 113.4, 216, 324)

1. Individuals making a complaint.
2. Complainant(s).
3. Respondent(s).
4. Witnesses.

The district shall treat complainants and respondents equitably by:

1. Offering supportive measures to the complainant and may offer such measures to the respondent.

2. Following the grievance process for formal complaints before imposing disciplinary sanctions or other actions that are not supportive measures on the respondent.

#### *Supportive Measures -*

All supportive measures provided by the district shall remain confidential, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. (34 CFR 106.44)

When a party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the Supervisor of Special Education and coordinate to determine whether additional steps must be taken as supportive measures for the party while the Title IX procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, functional behavioral assessment (FBA) or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

#### *Reasonable Accommodations –*

Throughout the Title IX sexual harassment procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 104, 113, 906)

#### *Employee Disciplinary Procedures When Complaints Allege Title IX Sexual Harassment -*

When complaints allege Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.

#### *Administrative Leave –*

When an employee, based on an individualized safety and risk analysis, poses an immediate threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis.

An accused, nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract.



### *Required Reporting Under Other Policies -*

In addition to implementing the Title IX sexual harassment procedures, the Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 317, 417, 517, 805.1, 806)

### Timeframes

Reasonably prompt timeframes shall be established for the conclusion of the grievance process for formal complaints, including timeframes for the informal resolution process and timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party, a party's advisor or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

### Redirection or Dismissal of Title IX Formal Complaints

Formal complaints may be dismissed, if at any time during the investigation or written determination steps described below:

1. A complainant provides written notification of withdrawal of any allegations or of the formal complaint.
2. The respondent is no longer enrolled or employed by the district in a district program or activity.
3. Specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Only alleged conduct that occurred in the district's education program or activity, and against a person in the United States, may qualify as Title IX sexual harassment within the district's jurisdiction. If it is determined during the investigation or written determination steps below that none of the allegations, if true, would meet the definition and parameters of Title IX sexual harassment within the district's jurisdiction, the Title IX Coordinator shall dismiss the formal

complaint under Title IX. If the matter merits review and possible action under other Board policies, the Code of Student Conduct or Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the complaint to the appropriate administrator to address the allegations.

Written notification shall be promptly issued to the parties simultaneously of any allegations found not to qualify or that are dismissed in compliance with Title IX. Written notification shall state whether the allegations will continue to be addressed pursuant to other Board policies, the Code of Student Conduct or Attachment 2 addressing Discrimination Complaints.

A dismissal may be appealed via the appeal procedures set forth in this Attachment.

#### Consolidation of Title IX Formal Complaints

The district may consolidate formal complaints against more than one (1) respondent, or by more than one (1) complainant against one or more respondents, or by one (1) individual against another individual, where the allegations of sexual harassment arise out of the same facts or circumstances.

### **GRIEVANCE PROCESS FOR FORMAL COMPLAINTS**

#### **Step 1 – Formal Complaint**

The district is required to initiate the grievance process for formal complaints when a complainant files a formal complaint. The Title IX Coordinator is also authorized to initiate this process despite a complainant's wishes when actions limited to supportive measures are not a sufficient response to alleged behavior, or when a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is a supervisor, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. Only the Title IX Coordinator is authorized to initiate the formal complaint process despite a complainant's wishes, but the Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

The complainant or the Title IX Coordinator shall use the designated section of the Discrimination/Sexual Harassment/Retaliation Report Form to file or sign a formal complaint.

The Title IX Coordinator shall assess whether the investigation should be conducted by the building principal, another district employee, the Title IX Coordinator or an attorney and shall promptly assign the investigation to that individual.

The Title IX Coordinator, investigator, decision-maker, or any individual designated to facilitate the informal resolution process, each must have completed the required training for such roles as designated in Board policy and shall not have a conflict of interest or bias for or against an individual complainant or respondent, or for or against complainants or respondents in general.

The respondent shall be presumed not responsible for the alleged conduct until a written determination regarding responsibility has been made at the conclusion of the grievance process for formal complaints.

#### *Notice Requirements -*

Upon receipt of a formal complaint, or when the Title IX Coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX Coordinator shall provide written notice to all known parties, and the persons in parental relations of known parties, if applicable, providing the following information:

1. Notice of the district's grievance process for formal complaints and any informal resolution process that may be available.
2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
  - a. The identity of the parties involved, if known.
  - b. The conduct allegedly constituting sexual harassment.
  - c. The date and location of the alleged incident(s), if known.
3. A statement that a written determination regarding responsibility shall be made at the conclusion of the grievance process for formal complaints and, until that time, the respondent is presumed not responsible for the alleged conduct.
4. Notice that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence.
5. Notice that Board policy and the district's Code of Student Conduct prohibits knowingly making false statements or knowingly submitting false information to school officials in connection with reports of misconduct or discrimination complaints.
6. Notice to all known parties of any additional allegations that the district decides to investigate during the course of the investigation.

#### **Step 2 – Informal Resolution Process**

At any time after a formal complaint has been filed, but prior to reaching a determination of responsibility, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process, which does not involve a full investigation and adjudication of the Title IX sexual harassment

complaint. The informal resolution process cannot be offered or used to facilitate a resolution for any formal complaint where the allegations state that an employee sexually harassed a student.

The district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal Title IX sexual harassment complaints. Similarly, a district may not require the parties to participate in an informal resolution process.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services such as an Employee Assistance Program, or supportive measures.

When offering an informal resolution process, the Title IX Coordinator shall:

1. Provide the parties a written notice disclosing the following:
  - a. The allegations.
  - b. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process for formal complaints.
  - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties shall be informed of the rights being waived by agreeing to the informal resolution process, and shall acknowledge such agreement in writing.
3. The informal resolution process shall be conducted within ten (10) school days of the parties' signed agreement for the informal resolution process.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal resolution process shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator within five (5) school days. Within twenty (20) school days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator shall document the informal resolution process, responses from all parties, and an explanation of why the district's response was not deliberately indifferent to the reported complaint of sexual harassment.

**\*If Step 2 Informal Resolution Process results in the final resolution of the complaint, the following steps are not applicable.**

### **Step 3 – Investigation**

The designated investigator, if other than the Title IX Coordinator, shall work with the Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation. The investigation stage shall be concluded within thirty (30) school days.

When investigating a formal complaint, the investigator shall:

1. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a written determination. During the process of gathering evidence, unless the district obtains the voluntary, written consent of the party, or the party's person in parental relation when legally required, the district cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party. (For students - Pol. 113.4, 207, 209, 216; Safe2Say Something Procedures)
2. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence.
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. However, the district may request a nondisclosure agreement be signed by the parties and their advisor(s), if any, stating that they will not disseminate or disclose evidence and documents exchanged in the investigation.
5. Provide the parties with the same opportunities to have others present during any interview or other meeting, including an advisor of the party's choice. The district may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate.
6. Provide written notice to any party whose participation is invited or expected during the investigation process with the following information, in sufficient time for the party to prepare to participate:
  - a. Date.
  - b. Time.

- c. Location.
  - d. Participants.
  - e. Purpose of all investigative interviews or other meetings.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the district does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.

If at any point the investigation expands to include additional allegations that were not included in the initial notice provided upon initiation of the grievance process for formal complaints, the investigator shall alert the Title IX Coordinator. The Title IX Coordinator shall provide written notice of the new allegations to the known parties.

Prior to the completion of the investigative report, the investigator shall:

1. Send to each party and the party's advisor, if any, the evidence subject to inspection and review in electronic or hard copy format.
2. Provide the parties at least ten (10) school days following receipt of the evidence to submit a written response.
3. Consider the written response prior to drafting the investigative report.

The investigator shall draft an investigative report that fairly summarizes relevant evidence and shall provide the investigative report to all parties and to the designated decision-maker.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX Coordinator, who shall promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and Board policy. (Pol. 218, 317.1, 805.1, 806)

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to request for a delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation and the reason for such delay shall be documented by the investigator.

In the course of an investigation, it is possible that conduct other than, or in addition to, Title IX sexual harassment may be identified as part of the same incident or set of circumstances. The fact that there may be Title IX sexual harassment involved does not preclude the district from

addressing other identified violations of Board policy or the Code of Student Conduct. If such other conduct is being investigated and addressed together with Title IX sexual harassment as part of the Title IX grievance process for formal complaints, disciplinary action normally should not be imposed until the completion of the Title IX grievance process for formal complaints; however, an employee may be placed on administrative leave in accordance with the provisions of this Attachment. A decision whether and when to take disciplinary action should be made in consultation with the school solicitor.

#### **Step 4 – Written Determination and District Action**

##### *Designation of Decision-Maker -*

To avoid any conflict of interest or bias, the decision-maker cannot be the same person as the Title IX Coordinator or the investigator. The responsibility as the decision-maker for complaints of Title IX sexual harassment shall generally be designated to the building principal. If the decision-maker has a conflict of interest or is a party in the formal complaint process, they shall disclose the conflict and the Title IX Coordinator shall designate another individual to serve as the decision-maker.

##### *Written Determination Submissions -*

A written determination of responsibility (written determination) must not be finalized less than ten (10) days after the investigator completes the investigative report and provides it to all parties. Before the decision-maker reaches a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, shall provide each party with the answers, and shall allow for additional, limited follow-up questions from each party.

Relevant questions for a party or witness must be submitted by each party within five (5) school days following receipt of the investigative report. Follow-up questions must be submitted by each party within three (3) school days of being provided the answers to the initial questions.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as part of the follow-up questions and responses, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The decision-maker shall explain to the party proposing the questions about any decision to exclude a question as not relevant.

##### *Written Determination -*

The decision-maker must issue a written determination for the conduct alleged in formal complaints. To reach this determination, the decision-maker shall apply the preponderance of the

evidence standard. Preponderance of the evidence is defined as more likely than not. By applying the standard, the decision-maker will determine if the evidence shows that it is more likely than not that the respondent is responsible for the allegations, In considering evidence, the decision-maker shall ensure credibility determinations are not based on an individual's status as a complainant, respondent or witness.

After considering all relevant evidence, the decision-maker shall issue a written determination that includes:

1. Identification of the allegations potentially constituting Title IX sexual harassment.
2. A description of the procedural steps taken from the receipt or signing of the formal complaint through the written determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of the district's Board policies or Code of Student Conduct to the facts.
5. A statement of, and rationale for, the result as to each allegation, including:
  - a. Determination regarding responsibility.
  - b. Disciplinary sanctions.
  - c. Remedies designed to restore or preserve equal access to the district's education program or activity that will be provided by the district to the complainant. Such remedies may be punitive or disciplinary and need not avoid burdening the respondent.
6. The procedures, deadline and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination becomes final either:

1. On the date that the district provides the parties with the written decision of the result of the appeal, if an appeal is filed;
2. Or, if an appeal is not filed, on the date on which an appeal would no longer be considered timely, in accordance with the timeframe established for appeals in this Attachment.

The Title IX Coordinator shall be responsible to ensure that any remedies are implemented by the appropriate district officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions shall be consistent with Board policies and administrative regulations, the Code of Student Conduct, district procedures, applicable collective bargaining



agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities. (Pol. 113.1, 218, 233, 317, 417, 517)

### **Appeal Process**

Districts must offer both parties the right to appeal a determination of responsibility and the right to appeal the district's dismissal of a Title IX formal complaint or any allegation in the Title IX formal complaint. The scope of appeals related to Title IX sexual harassment are limited to the following reasons for appeal as stated in the Title IX regulations:

1. A procedural irregularity that affected the outcome of the matter.
2. New evidence that that could affect the outcome was not reasonably available at the time the decision to dismiss or determination of responsibility was made.
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the individual complainant or respondent or for or against complainants or respondents generally that affected the outcome of the matter.

Written notice of a party's appeal shall be submitted to the Title IX Coordinator within ten (10) school days after the date of the written determination. Notice of appeal shall include a brief statement describing the basis for the appeal.

The Title IX Coordinator shall ensure that the designated appeal authority is not the same person as the decision-maker that reached the determination, the investigator, or the Title IX Coordinator. The designated appeal authority must be trained in Title IX and may be the District solicitor, and internal hearing officer, or an external hearing officer.

For all appeals, the designated appeal authority shall:

1. Provide written notice to the other party when notice of an appeal is filed and implement appeal procedures equally for both parties.
2. Provide both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the stated basis for the appeal. Supporting statements shall describe in detail as applicable the procedural irregularities asserted to have affected the outcome of the determination, the nature of any new evidence asserted to have affected the outcome, and the nature of any bias asserted to have affected the outcome, with an explanation of how the outcome was affected by such factors. If evidence exists supporting the basis for appeal, it shall accompany the supporting statement, or it shall identify where such evidence may be found.

Supporting statements must be submitted to the appeal authority and provided to the other party within five (5) school days of the written notice of appeal.

Statements in opposition to the appeal shall be submitted within five (5) school days of the submission of supporting statements. If a statement in opposition to an appeal refers to any evidence beyond what is described in a supporting statement, it shall accompany the statement in opposition, or it shall identify where such evidence may be found.

The appeal authority may accept and consider evidence in support of or in opposition to an appeal in making any conclusions necessary to deciding the appeal. Alternatively, when the appeal authority determines that factors exist making it necessary for the decision-maker to further develop the evidentiary record relevant to the basis for appeal, the appeal authority may return the matter to the decision-maker for that limited purpose.

3. Determine whether the appeal meets the grounds for permitted reasons for appeal and justifies modifying the written determination.
4. Issue a written decision setting forth the respects, if any, in which the written determination is modified and the rationale for the result within ten (10) school days.
5. Provide the written decision simultaneously to both parties. A copy of the written decision shall also be provided to the Title IX Coordinator.

#### Recordkeeping

The district shall maintain the following records for a period of a minimum of seven (7) years after conclusion of procedures and implementation of disciplinary sanctions and/or remedies, or in the case of a complainant or respondent who is a minor, until the expiration of the longest statute of limitations for filing a civil suit applicable to any allegation:

1. Each Title IX sexual harassment investigation, including any written determination and any audio or audiovisual recording or transcript, and disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity.
2. Any appeal and the result.
3. Any informal resolution and the result.
4. All materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process.
5. Records of any district actions, including any supportive measures, taken in response to a complaint of Title IX sexual harassment. In each instance, the district shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity. If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly

unreasonable in light of the

known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.