

Lehigh Area School District
1000 Union Street
Lehigh, PA 18235
Tuesday, November 9, 2021 at 7:00 PM
SPECIAL BOARD MEETING - MINUTES



1. Opening Exercises

A. Pledge of Allegiance

B. Call to Order

Board President called the Board Meeting to order at 7:16 PM

C. Roll Call

PR/AB:

PR	Ms. Joy Beers	PR	Mr. David F. Bradley	PR	Mrs. Gail Maholick
PR*	Mr. Richard R. Beltz	PR	Mr. Nathan Foeller	PR	Mrs. Rita Spinelli
PR	Ms. Barbara Bowes	PR	Mr. Stephen Holland	PR*	Mr. Larry Stern

* Present via Conference Call

Also Present:

Mr. Edward Rarick, Business Administrator
Mr. Jonathan Cleaver, Superintendent
Attorney Eric Filer, Solicitor
Ms. Janine Partenio, Recording Secretary

Richard DeLuca, Angela Harris, Brian Shaner, Natalie Blair, Mae Marks, Janice Collins, Sessa Lenhardt, Patricia Sterner, Angela Christman, Nicole Peters, John DeMatte, Robert Dwojewski, Sonya Leslie, Nora Oswald, Nicholas Passiglia, Nicole Warner, April Walker, Melissa Siegfried, Jamie & Dache Zelrick, Julian D. May, Shelby Heater and Walter Zlomsowitch.

D. Purpose of Special Meeting

Request for Meeting Regarding a Discussion on Student Safety

E. Public Comment

R. DeLuca was concerned about the video posted on the news by D. Bradley. He questioned the Board what would happen with the students involved with the video. D. Bradley responded to R. DeLuca discussing the disturbing nature of the video and how D. Bradley posted the video based on the parents being adamant about sharing the video to bring light to bullying. R. DeLuca said he was enraged about the video since he is a parent of a special needs child and wanted to address D. Bradley, himself. They discussed parental rights and privacy rights. D. Bradley stated he wanted to bring change to the District. R. DeLuca asked why the whole video was not shown. D. Bradley said the video was not edited. J. Cleaver asked if the video on the podcast was not the original unedited version that was shared with the Board. D. Bradley said that was correct.

W. Zlomsowitch asked to add the Health and Safety Plan to get kids unmasked at their desks. D. Bradley said it could be added to Old Business. J. Cleaver reminded the Board that there were no action items requested by the Board so this Agenda was advertised as a meeting with no action. They had a discussion on amending the Agenda.

S. Heater spoke in regards to the issue with Mr. Buffington. She said it was not a good representation as to what was happening in that 20-second video. D. Bradley and S. Heater debated over the video and why it was deemed an issue with Mr. Buffington. S. Heater felt the video was a student having a mental breakdown and put Mr. Buffington in a bad light.

J. May said he was representing the freshmen in the band and explained how Mr. Buffington built up his reputation as one of the best teachers. He felt the video did not show the full actions. He felt being a special needs student did not warrant that behavior.

D. Zelrick spoke on the video that was posted. She felt it was done on purpose with an ulterior motive. She said it was wrong, disrespectful and cost someone their reputation. She read a statement on behalf of her husband, Jamie Zelrick, based on his experience as a law enforcement officer. She read how he explained how the steps Mr. Buffington had taken were correct in keeping the students safe in that situation.

M. Siegfried stated she has 2 sons in the band and read a statement from her son who lives in Georgia commending Mr. Buffington as a teacher.

A. Walker spoke about the mask mandate and discussed how J. Cleaver's personal opinion did not agree with the mandate. She asked if the vaccine clinic would be held during school hours. J. Cleaver said no, unless he would be directed by the Board. A. Walker discussed vaccines during school hours and implied consent. J. Cleaver stated that he does not recommend mandatory vaccines. A. Walker asked about testing. J. Cleaver said there is no onsite testing and does not mandate testing.

N. Warner stated that she has a special needs child and Mr. Buffington always took the time to be patient and calm with her child. She stated that Mr. Buffington has always been there for students going through bullying issues.

N. Passiglia stated he was part of the band for 7 years, as well as his sister. He explained how Mr. Buffington was there for him during the death of his uncle, who was autistic. N. Passiglia thought it was a shame that the video posted, put him in such a horrible light. He said Mr. Buffington has been there for all of the students and it was disgraceful and disgusting. He stated that Mr. Buffington is a father-figure to many students and stated that students would never walk alone in this group.

N. Oswald stated she is a parent of two sons in the band. She mentioned how she witnessed one of the best educators be placed in such a terrible light. She said she did not get the whole story from the video and wished it would be taken down.

S. Leslie was frustrated with all of the bickering. She said there are special needs students in the District and she disagreed with the video being posted for special needs students. She said Mr. Buffington never let her walk alone when she was a student. She felt the video placed Mr. Buffington in a terrible light and wished it would be taken down, also.

R. Dwojewski explained how Mr. Buffington made a big impact on such a small percentage of his life. He felt Mr. Buffington did not deserve any of this negative light.

J. DeMatte said he graduated in 2020 and how most kids were bullied at some point. He mentioned that Mr. Buffington was always there for all of the students and he is the last person to be looked at when dealing with child safety. He felt the focus was not in the right spot.

N. Peters was an alumni from 2014 and a parent of three children, two with special needs. She stated the video should not have been posted and it was a poor way of representing child safety. She said Mr. Buffington was always there to resolve any conflict or issue and the video put him at risk for thinking he was a bully. She felt he chose the best route by removing the victim from the situation and felt it was poorly shown.

A. Christman stated she was a Lehigh native, band mom and involved with LABBA as an officer. She said the band has been very welcoming due to the environment that Mr. Buffington created. She said there have been numerous special needs students in the band without any issues. She explained how Mr. and Mrs. Buffington have always gone above and beyond to nurture the students and that being in the band family does not end with graduation.

P. Sterner said it was great to see all of the support in the audience. She said she graduated in 2006, in one of the first classes with Mr. Buffington. She explained that she joined the honor guard and Mr. Buffington spent countless hours teaching her what she needed to know about honor guard and how to read music so she could eventually be a part of the band. She expressed how she was forever grateful for all he had done for her and her family.

S. Lenhardt stated she was a CCTI and LASD Alumni as well as a Student Board Representative. She said she had Mr. Buffington from 9-12th Grade and how he had touched so many lives. She shared the story that he told the students about The Trouble Tree.

J. Collins reviewed the World Health Organization's view of consent with vaccinations of students in school. She said deaths have increased 56% after COVID vaccinations in 12-19 year olds and asked the Board to remove the mask mandate.

M. Marks supported Mr. Buffington. She said he treats the students like his own children. She mentioned that there is an issue with bullying and felt the students were not getting a harsh enough punishment.

N. Blair explained that she has only been in High School for 3 months. She said she did not really want to be in the band but once she started she had really appreciated it. She said she realized that Mr. Buffington was more like family and felt the video was skewed. She mentioned that Mr. Buffington was important to everyone.

B. Shaner felt how all of the public statements were sharing examples of bullying and that there needed to be more consequences for their actions. He questioned the bullying policy and why one teacher was watching a huge study hall. He asked if the District was really short handed with teachers. J. Cleaver said yes, there was a substitute shortage and a need for teachers right now.

A. Walker said she was happy to see everyone come out and share their experiences with Mr. Buffington. She stated how she has a high regard for him as well. She spoke on behalf of the parent of the student in the video. She explained that they could not attend in person because they were ill. She said that the parent asked to have the video posted because it was already being shared by others and she had received the recommendation by her attorney to share it, as well. She felt everyone was missing the point that her son has a trigger and the trigger is never discussed and then the child is blamed when he reacts. She wished to hold people accountable for their actions.

B. Bowes said the video bothered her because the person videoing was laughing during the situation. D. Bradley stated that kids were being bullied and the school culture needed to change.

R. Spinelli commended the students for coming out and speaking their mind. She was very impressed with all that they shared.

A. Harris had an issue with the way the video was construed. She said the title is bullying and how the student was treated. She felt it implied the bullying was being done by Mr. Buffington. She requested that the title be changed as well as the information be updated below it.

W. Zlomsowitch asked if the administration knew all this bullying was happening and if there could be any suspensions or expulsions over it. J. Cleaver explained that it would depend on the extent of the bullying and explained how suspensions and expulsions are different. He said the Middle School has antibullying programs and explained how cell phones and social media is the greatest platform of bullying, which is out of the District's control. S. Howland mentioned how a lot of the issues happen after school hours and at home. W. Zlomsowitch asked why the students have phones in school. J. Cleaver said unfortunately, the phones have become a part of the student. Atty. Filer added that based on IEP's, there are restrictions of what could be done with a student. R. DeLuca asked if there is a clear code of conduct and asked what would be offered to students that get bullied. J. Cleaver and S. Howland explained that mental health has been a big push at the District and that they have Avidium, SEL Program, Safe to Say, Guidance counselors, 2 Social Workers, Contracted Psychologists and LVHN virtual appointments right now.

D. Bradley discussed the District's Bullying Policy and asked if anyone knew how to use Safe to Say. He had a discussion about Safe to Say with some students in the audience. One student explained her experience using Safe to say. A member of the audience asked what could be done for our students to feel comfortable enough to tell someone about an issue. They said Avidium was great. S. Howland said the SAP referral program was 100% anonymous and the High School communicates that to students all the time. She explained the process of SAP referrals.

J. Cleaver thanked everyone for their discussions. He gave kudos to the students for speaking their mind in a public setting. He reminded everyone that nothing is perfect and there is no quick fix but he was open to discuss it and begin at the building levels.

B. Shaner encouraged students to step in if they see bullying to show that bullying would not be tolerated in the school.

G. Maholick shared a story of bullying and mentioned that the District needs to support a good culture with students and at home, as well.

F. Special Public Comment

Special public comment session to restore previous Board Meeting public comment session. There was none at this time.

2. Student Safety

A. Elementary Center Occupancy Permit

There was a concern about the EC Occupancy permit / Risk to district for allowing children to occupy a building without a Certificate of Occupancy.

J. Cleaver gave a history of the process since March 2021. He said the District received a letter on March 3 for an

MPES permit to be closed out for the land development agreement which was set to expire for 6/6/2021. Final report was submitted to the land developer on March 29. August 24, 2021 a letter was received that the final inspection by the County was completed on August 3, 2021. He mentioned that the Fire Lane with the Borough was discussed many times at prior meetings regarding the fire lane and issue with parking for special events. He mentioned they were working with the fire chief to establish a plan and on May 18, 2021 a civil engineer reached out to the Borough for clarification and the same day the site plans were approved for review and comment. The final plan was approved to satisfy the fire lane with the Borough and not eliminate special event parking in late August 2021.

J. Cleaver explained the ASCO easement descriptions were discussed last year with the water authority in February, for clarification of the water line. He said in March of 2020, everything came to a stand-still with COVID recommendations. He mentioned that applications were submitted for review as of August 17, 2021. Most recently, he said there was a discussion with the Borough and an email was issued on Tuesday, October 12, 2021 following-up on a conversation earlier with Nicole Beckett, Borough Manager, stating the easements had been received and reviewed, as well as executed on behalf of the Borough and were prepared for recording. The email stated the water easements would need to be formally approved by the Lehighon Water Authority and they would meet on November 3, 2021. J. Cleaver said he asked N. Beckett to hold off and send all easements at once instead of piece by piece. He said the email also said once completed, all easements will need to be recorded at the Courthouse along with the drawings and once the Borough receives the receipt of recording, that portion of land development would be closed out and the District would then be able to receive the occupancy permit. He said a request was sent to the Borough about extending the temporary occupancy permit and mentioned this was discussed at last night's Borough meeting but no action had been taken.

D. Bradley felt the building may not be used or occupied since there was no current occupancy permit based on a letter received from the State Department of Occupational and Industrial Safety - Pennsylvania Department of Labor and Industry and the Attorney General's Office. D. Bradley wished to make a motion; however, there was some discrepancy about the information received from the Borough regarding easement or traffic light.

W. Zlomsowitch stated the Borough agreed to issue the occupancy permit if the traffic light was removed. D. Bradley made a motion to add it to the agenda to become legal. D. Bradley said the motion would be to remove the traffic light from the land development plan. He said the traffic study deemed it was unnecessary. B. Bowes seconded the motion.

J. Cleaver and E. Rarick explained how the Borough agreed to the removal of the traffic light; however, it also included an approval of the amended agreement. The Board discussed how the Borough issued an amended agreement which was not reviewed by the solicitor or seen by the Board, yet. B. Bowes and J. Beers agreed they should review the agreement first before voting on the item.

Roll Call Vote to add motion to the agenda:

	Yes	No	Absent	Abstention
Ms. Joy Beers, Member	0	X	0	0
Mr. Richard R. Beltz, Member	0	X	0	0
Mr. David F. Bradley, Sr., Member	X	0	0	0
Mr. Nathan Foeller, Vice President	0	X	0	0
Mr. Stephen Holland, Member	0	X	0	0
Mrs. Gail Maholick, Member	X	0	0	0
Mrs. Rita Spinelli, Treasurer	0	X	0	0
Ms. Barbara Bowes, Member	0	0	0	X
Mr. Larry Stern, President	0	X	0	0

B. Bowes Abstained due to lack of information.

VOTE: YES - 2 NO - 6 ABSENT - 0 ABSTENTIONS - 1

Motion Failed

The Board decided to have an additional Special Board Meeting on Monday, November 15, 2021 at 7:00 PM to discuss this further. G. Maholick asked to invite the Borough to the next meeting. B. Bowes asked to send the Board the original contract, the traffic study summary, the new agreement and information as to when the borough would be able to act on it and vote.

B. Parent Complaint of Unaccompanied Students

Review complaint regarding students unaccompanied by adults during school activities Coaches handbook:

<https://lehighonathletics.org/main/filesLinks/>

D. Bradley reviewed a letter that was dated September 28, 2021 stating that Coaches & Assistant Coaches were late to practice leaving students unattended and without proper oversight. He discussed health & safety issues, training for staff and enforcement of policies. He mentioned the Board was updated this evening at an Executive Session and felt the handbook does not include all of the information on the word "hazing."

B. Bowes stated the word horseplay is mentioned but not hazing. She mentioned that it was discussed with Mr. Spotts and he was planning on sending something to the Athletic Committee. She said it was addressed at the Athletic Committee Meeting today and he would be sending something to approve and update in the handbook.

J. Beers asked if Mr. Spotts was aware of this letter. J. Cleaver said yes, it was sent to Mr. Spotts to investigate and review. B. Bowes questioned if anyone involved was asked if this occurred. J. Cleaver explained that the letter was an anonymous letter with initials at the bottom. He said Mr. Spotts discussed it with the coaches first and then he would interview students. He said he did not believe that students were interviewed based on the outcome of the initial interview with the coaches.

D. Bradley wanted outside counsel to do investigations on these instances. R. Bowman disagreed that every incident needed counsel. He felt maybe counsel could teach the administration how to properly investigate. D. Bradley wanted a new complaint form created.

L. Stern left at 10:45 PM

MOTION by D. Bradley, SECONDED by G. Maholick, to add to the agenda a motion to allow the Board to authorize the solicitor to oversee investigations of LASD Policy Matters.

Roll Call Vote to add motion to the agenda:

	Yes	No	Absent	Abstention
Ms. Barbara Bowes, Member	X	0	0	0
Ms. Joy Beers, Member	0	X	0	0
Mr. Richard R. Beltz, Member	0	0	0	X
Mr. David F. Bradley, Sr., Member	X	0	0	0
Mr. Nathan Foeller, Vice President	0	X	0	0
Mr. Stephen Holland, Member	0	X	0	0
Mrs. Gail Maholick, Member	X	0	0	0
Mrs. Rita Spinelli, Treasurer	0	X	0	0
Mr. Larry Stern, President	0	0	X	0

B. Bowes Abstained due to lack of information.

VOTE: YES - 3 NO - 4 ABSENT - 1 ABSTENTIONS - 1

Motion Failed

C. Parent Information on Bullied Students

Listening to parents of bullied students.

Discussions occurred during public comment.

D. Early Graduates

Official written Board invitation to the Prom and the Graduation ceremony for all students graduating early.

D. Bradley wanted to send early graduates an invitation to Prom. The Board agreed to discuss this at the Special Board Meeting on November 15, 2021.

E. Old Business Items

Review and update the list of 'old business' open items.

D. Bradley made a motion to add to the agenda the review of the Health and Safety Plan. B. Bowes Seconded.

Atty. Filer, D. Bradley and B. Bowes discussed and argued Act 65 of 2021 regarding the exceptions and exclusions to add business to the Board Agenda.

R. DeLuca mentioned that if they vote to change anything the District would be in contradiction to the state until January 17, 2022, which was when the mandate would be lifted by the Governor. D. Bradley did not believe a parent exemption would be in conflict with the order. They discussed other Districts utilizing different masking options. J. Cleaver stated that the Board would have to give him a direct direction to not follow the state mandate since he was a commissioned officer. D. Bradley commented "if" J. Cleaver was a commissioned officer. J. Cleaver said he has a commission from the State, despite what some people might think.

Roll Call Vote to add the review of the Health & Safety Plan to the Agenda:

	Yes	No	Absent	Abstention
Mr. Richard R. Beltz, Member	X	0	0	0
Mr. David F. Bradley, Sr., Member	X	0	0	0
Mr. Nathan Foeller, Vice President	0	X	0	0
Mr. Stephen Holland, Member	0	X	0	0
Mrs. Gail Maholick, Member	X	0	0	0
Mrs. Rita Spinelli, Treasurer	0	X	0	0
Ms. Barbara Bowes, Member	X	0	0	0
Ms. Joy Beers, Member	0	X	0	0
Mr. Larry Stern, President	0	0	X	0
VOTE:	YES - <u>4</u>	NO - <u>4</u>	ABSENT - <u>1</u>	ABSTENTIONS - <u>0</u>

Motion Failed

3. Communications

A. Public Comment

B. Shaner asked for the Board to discuss an alternative plan with Transportation for the issue they had with virtual school. He asked for a possible hybrid plan. He also mentioned that he did not like the 8:00 PM communication on a Sunday, to let parents know that school would be back in session on Monday.

B. Shaner questioned if Mr. Spotts had any investigation training. B. Bowes did not believe so. D. Bradley said no. B. Shaner felt the District should have investigation training in-house and investigations should go to the new HR/Business Affairs position to investigate issues, or possibly to the resource officer, since he had training. B. Shaner did not believe that all investigations needed to go to the Solicitor.

B. Shaner asked about the hiring of a new solicitor. He questioned if the Board would be bringing in solicitors to interview with their RFP's at the next Board Meeting, as he felt it would be prudent to do so. E. Rarick said he had RFP's from the Spring and could use those or reach out to receive new RFP's and have them come out to the Board Meeting for an interview. B. Shaner asked if there was a particular reason that E. Rarick waited to do the RFP's. E. Rarick explained that it was a directive from the Board in June to have the newly elected Board take seat and decide on a solicitor at a Board Meeting in December.

B. Shaner and J. Cleaver discussed Mr. Spotts and his experience with investigation training. B. Shaner encouraged Mr. Spotts to get investigation training and that Human Resources should be involved in all investigations. He recommended the District come up with an investigation process.

J. Partenio read the following letter to the Board that was submitted via email by Madison DeLuca class of 2019:

"Dear School Board, Lehighton community, friends, and mentors,

I am absolutely appalled that this is the conversation we are now having. I watched the video on David Bradley's Youtube channel, and I have to say I am completely disgusted, not by the actions of Mr. Buffington, but by the way the narrative is being spun against one of my greatest teachers and mentors. I could not sit by and let my voice not be heard at this meeting. If I could be physically present I would, but I am currently hours away at college.

Mr. Buffington, or as we all call him Mr. B, was one of the very few people I can say that actually truly taught me something; not just how to be a better musician, but how to carry myself in a respectable manner. He was always one of the first people that would congratulate me on my successes, but also would not be afraid to tell me I was wrong or when I was being irrational or making a mistake. He's someone I can respect for that. Mr. B did not only show up for the sunny days and congratulations, but also walked me through the tough times as well. That's what I desire from a teacher, someone who not only was there when I got it right, but someone who was able to help me pick myself back up when I was wrong.

I appreciate him for this, because he prepared me for a lot of emotions and challenges, I was going to face and will continue to face. In his presence, I was able to fall. I was able to make mistakes. And I wasn't coddled through them, and he never would fix my issues for me. I think our alumni can agree that having the real conversations on how to pick ourselves back up again were ones that we can carry with us for a lifetime. Us learning to own our actions gave us all a leg up in the world to steer clear of toxicity.

On the situation at hand, there are a couple points I would like to make. First of all, on the subject of special needs. My twin sister is on the severe side on the spectrum of special needs. This does not make me a specialist on special needs, but I can confidently say that I have had experience with a wide range of people with special needs in my lifetime. "Special needs" does not mean "no accountability". If this student has the ability to attend public school and has the ability to speak, then they have the rationale to be accountable for their actions. There are many individuals who would be so grateful to be able to speak as clearly as this student did. The way that this student talked about Mrs. Howland in this video, they have obviously had issues before in which they needed to be sent to the office and talk to her. The way that this student spoke to Mr. B and spoke to Mrs. Howland showed me as a viewer that they have no respect for authority. If this has been a reoccurring issue, we should really be evaluating this student, and making a better plan to support this student instead of trying to attack the faculty who are trying to care for the entire student body.

What are we looking for here? The call-out culture that has been circulating through our schools and our society really has no end goal. I think this calling-out culture has been escalated rapidly in our district, especially by some of our board members. This attempt at 30 seconds of fame to try to come out on top of a situation really just makes you look shallow and insecure, and in some cases, absolutely crazy. I would invite you to try calling in instead. Instead of playing the blame game, lets try to get to the root issue for this student, and other students who may be in their same situation. Once we can have HEALTHY conversations, then we can finally move forward.

I don't see fault in the way Mr. B spoke to this student. Like I mentioned before, this student has presented themselves to be problematic in the past and has proven that they have not learned from their actions. It seems that the first methods of repercussions have not worked, and maybe this student needed a different method. My experience at Lehighton was that each teacher treated me with the respect of an adult. With this being some of the final moments for teaching for some folks, I hope this can be a lesson of how to act and carry yourself as an adult, and how to take accountability for your own actions.

I hope we are also talking to the students who provoked the student we are speaking about tonight, because their actions are also unjustifiable. But I hope through all of this we can reevaluate and find the support that this student actually needs to be protected in the classroom."

B. Adjournment

MOTION by N. Foeller, SECONDED by S. Holland, to adjourn the Meeting.

The November 9, 2021 Special Board meeting was adjourned at 11:32 PM.

Respectfully Submitted,

Edward Rarick, Board Secretary
by Janine Partenio, Recording Secretary