

Lehigh Area School District

Lehigh, Pennsylvania

Policy Committee Meeting Minutes

Wednesday, April 7, 2021

6:45 PM

I. Pledge of Allegiance

II. Call to Order

The April 7, 2021 Policy Committee Meeting was called to order at 6:48 PM by Board President Larry Stern.



III. Roll Call

	Present	Absent
Mr. David F. Bradley, Sr., Board Member	X	☐
Mrs. Rita Spinelli, Board Treasurer	X	☐
Mr. Larry Stern, Board President	X	☐
Mr. Jonathan Cleaver, Superintendent	X	☐
Ms. Janine Partenio, Recording Secretary	X	☐

Also Present:

Edward Rarick, Tim Tkach.

IV. Policy Review for First Reading for Public Review and Comment

1) [Policy 113.1 - Discipline of Students with Disabilities](#)

J. Cleaver explained this policy referenced special education and included his/her to generalize the student. He mentioned that the Safe Schools reporting requirements had always been followed by the District but have been added to the policy and was reflected in the changes.

D. Bradley asked if the changes were from PSBA and adopted statewide. J. Cleaver said yes, the changes were recommended by PSBA and also for PDE's department of special education. D. Bradley asked if the District received correspondence from Pennsylvania School Boards Association (PSBA) or Pennsylvania Department of Education (PDE) regarding the recommended changes. J. Cleaver explained how PSBA sends monthly updates to their members with recommended changes. He also stated that any new laws that are put into effect may trigger updates to policies, which PSBA would then, in turn, send to their members, for review and revision. D. Bradley asked if there was any communication with PDE regarding this policy. J. Cleaver said the changes were recommended by PSBA but did reference procedures from PDE for compliance.

2) [Policy 113.4 - Confidentiality of Special Education Student Information](#) (NEW POLICY)

J. Cleaver stated that this policy also referenced special education and is a completely new policy that is being recommended. He said the District is also currently following the recommended procedures for student records or information, but is looking to add this policy to formalize it. He said it was recommended by PSBA to implement this policy if the District did not currently have it in place. He also mentioned how the policy addressed parental access rights.

L. Stern questioned the portion of the policy that addressed disclosure to law enforcement and how it referenced disability. J. Cleaver said this was for issues with records and how it relates to FERPA and a student with special needs. L. Stern said he was curious of how this was the only area of the policy that stated the term “disability.” He believed it was due to some of the special education issues that were directly related to the disability that they may have. J. Cleaver said that was correct. He mentioned about disabled students and a manifestation hearing for the reason of the issue being part of the disability, which would include different laws and compliances that fall under that scenario during school time. They continued to discuss the manifestation.

D. Bradley questioned the Records Hearing portion of the policy, asking who the parties would be that are hosting the hearing, who would be adjudicating the policy and where the hearing would be held. J. Cleaver said they would all be case specific. He mentioned the only thing that would come to the Board would be an expulsion, based upon an act of the student. He explained how the hearings would usually be with the administration and the IEP team, to determine what would be in the best interest of the child. D. Bradley felt that was inappropriate and the Board should be the adjudicative authority. They discussed due process. D. Bradley wanted clarification stating that the records hearing would be a Board hearing in public or private. He also felt there was no accountability in the policy, since it was written by PSBA. He continued asking for accountability to be written into the policy. L. Stern mentioned how the results of the hearing would be the accountability and an adjudicator would be assigned. D. Bradley said the adjudicator would be the Board. The rest of the committee disagreed. J. Cleaver said the Board does not get involved with the hearings. D. Bradley asked for the clarification in writing by an authority that actually knows how to read the policy. He continued to say that “The District” is referred to in the policy, who is the policy writer, and the only one who has rights to write the policy is the Board. He wanted to ask the community members their opinions on this policy. He did not feel that the committee was following the right process. The committee continued to argue. J. Cleaver mentioned that D. Bradley was requesting to see students educational information and that was inappropriate. D. Bradley disagreed. He continued to ask for additional clarification of the policy on how it is adjudicated, prior to its adoption. He wanted PSBA to identify who is the District, who is the hearing and who is the adjudicator of this policy. He believed that the Board is the current adjudicating authority and he reverted back to the accountability process. He wanted to recognize when an error was made, apologize for the error, correct the error, and then move forward. He again mentioned how he wanted to get clarification on the adjudicating authority and made some derogatory comments toward the Superintendent and the Committee. L. Stern asked D. Bradley to discontinue any derogatory comments and agreed to get clarification for the Committee Meetings second reading and the public may comment at the second reading at the Board Meeting. D. Bradley went on to complain about the Policy Committee Meeting process and how the public should comment on the policy.

V. Policy Review for Second Reading and Final Approval

- 1) [Policy 251 - Homeless Students](#)
- 2) [Policy 808 - Food Services](#)

J. Cleaver asked if anyone had any additional comments or questions on policies 251 or 808 for second reading and final approval. There was none.

J. Cleaver went on to public comment from any of the attendees.

VI. Public Comment

B. Bowes said she did not understand the context of the records hearing that was being discussed, and would like to get clarification and better wording for who the adjudicator would be and who they would be appointed by, etc. D. Bradley said the policy should have the ambiguity removed prior to approving this policy. J. Cleaver stated that there are no policies being approved tonight. D. Bradley said he was speaking to B. Bowes. B. Bowes said yes, there should not be any ambiguity in any of the policies in order to refrain from any issues occurring. D. Bradley felt many of the policies recommended by PSBA had ambiguity and many districts were looking to get rid of PSBA because of it. He felt it put students and parents in an adversarial position and believed it had a significant cost in litigation, because of the ambiguity. He thanked B. Bowes for addressing the Board with her comment and urged others to come forward with their input.

J. Cleaver asked for any other public comment. B. Bowes said that it would not only clarify the policy for the student, parent or community but would also clarify it for the Board, which could save the District money in litigation.

D. Bradley continued to complain about the Policy Committee procedure.

VII. Adjournment

Next scheduled Board Meeting is on Monday, April 26, 2021 at 7:00 PM

Next scheduled Policy Committee Meeting is on Wednesday, May 5, 2021 at 6:45 PM

MOTION by L. Stern , SECONDED by R. Spinelli to adjourn the meeting. The Meeting was adjourned at 7:14 PM.