

SCHUYLKILL VALLEY SCHOOL DISTRICT  
929 Lakeshore Drive  
Leesport, PA 19533-8631

MINUTES

January 5, 2022

1.0 **The Special Meeting was called to order at 6:32 p.m. by the Board President, David E. Moll, in the LeRoy K. Seip Memorial Meeting Room of the Schuylkill Valley High School.**

1.1 **PLEDGE OF ALLEGIANCE TO THE FLAG**

1.2 **ROLL CALL**

Members Present: Paul L. Bendigo, Robert M. Dempsey, Nicoleen M. Kleffel, Linda R. Lash, George H. Mertz III, G. Dane Miller, David E. Moll, Bryan J. O'Donnell, Alfonso F. Rossi

Secretary: Linda R. Lash

Treasurer: Michelle Kauffman (not present)

Recording Secretary: Susan A. Christman

Administrative Staff Present: Dr. Cathy Taschner, Michael Billman, Robin Brightbill

2.0 **PERSONS WHO WISH TO ADDRESS THE BOARD**

Amanda Knoblauch, Ontelaunee Township - Masking

Kelly Steinke, Bern Township – Masking

Heidi Messner, Bern Township – Masking

Daniel Yobb, Ontelaunee Township – Masking

Michelle Rowles-Cranmer, Bern Township – Health and Safety Plan

3.0 **BOARD**

Contract: Interim Pupil Services Director

3.1 Approves the employment of Suzanne M. Miller, Ed.D., as Interim Pupil Services Director, effective on or about January 11, 2022.

**Moved by Linda Lash and seconded by Paul Bendigo to approve the employment of Suzanne M. Miller, Ed.D., as Interim Pupil Services Director, effective on or about January 11, 2022.**

**Yeas: Bendigo, Dempsey, Kleffel, Lash, Mertz, Miller, Moll, O'Donnell, Rossi**

**Motion passed unanimously.**

Health and Safety Plan Discussion

3.2 Mr. Moll stated that as the President, he called this Special Meeting to discuss the Health and Safety Plan. He just wanted to make sure that no matter how this vote turns out tonight, he has asked the Superintendent to place this item on the agenda at every voting meeting until further notice for discussion and also if we need to change anything. He asked that each Board member give their opinion as part of this discussion. Mrs. Kleffel started by asking what the Board was discussing. They voted at the December 15, 2021, Special Meeting that on January 10, 2022, we would be putting our new Health and Safety Plan into play. She is taken aback and doesn't even

know what the discussion is at this point. She received a phone call on Monday that we were having this meeting and she is still in the dark as to what is being discussed and asked if Mr. Moll could enlighten her. Mr. Moll stated that part of it was should the district stay mask optional as of Monday, January 10, or should we go back to mask mandatory. We can go with the plan as of January 10, but if we go with the plan as of January 10, we have to put back in the amendment for athletes that they do not need to wear a mask when participating in an athletic event. He wants to hear everyone's opinion and then if we need to take an action, take an action on them. Mrs. Kleffel stated she would like to hear where we're going because we already voted in December. She wanted it made clear why we're here. Mr. Moll stated that they are here to discuss if we need to make a change to our Health and Safety Plan. Mr. Bendigo commented that what has changed in Berks County has changed over the past two weeks. His vote has always been not to require masks and it's not going to change, but to give everyone on the Board the opportunity in case they changed their mind and to have open and fair conversation, is important. We have a current policy that requires masks be worn in buildings and we have people in the meeting that refuse to do this. He made a motion to stop the meeting and reconvene in a half hour, virtual only, because not everyone in the meeting is masking according to our rules that are in place right now until January 10. Mr. Moll stated that we have a motion and does anyone want to second the motion; no one seconded the motion. The conversation resumed with Mr. Rossi stating that his primary goal is to keep the kids in school, and the way things are going in the county now, he doesn't think it's going to happen if we go mask optional. He thinks we're going to lose teachers and not have substitutes, and have massive amounts of absenteeism and get kicked into a virtual mode and he really doesn't care to do that. Every doctor that he's talked to still says masking is advised and every medical association that he's read about still recommends mandatory masking and he supports this. Mr. Miller stated that there are two major problems with this situation, not the least of which is that the Board already voted on this. The agenda says "discussion", yet it's been referred to as a vote taking place. Mrs. Kleffel correctly referred to the fact that all of the Board members take an oath to support and defend the Constitution of the Commonwealth of Pennsylvania. On December 10, 2021, the Supreme Court of Pennsylvania struck down the mask mandate with a 6-0 vote. If some of you are going to conjure up some kind of legal grounds for this, you're doing it out of thin air. Also, we as school directors have an obligation to provide a free appropriate public education (FAPE) to all 2,200 students in this district. A significant number of those students are not wearing their masks or are wearing them down below their chin. We're already in mask optional so why are we denying the reality. If we try to discipline students by the discipline code, we are now jeopardizing FAPE for those 2,200 students, especially the one's with IEP's and 504's. We cannot fulfill the obligations of those plans if we are putting children in any kind of detention, suspension, or anything along that line because of that issue. Why are we denying reality? Let Dr. Taschner make the case to the population that it's bad and we really think you should wear a mask. He would bet that we would get greater compliance. He trusts parents to make decisions for their kids and it's sad that we so readily give up our rights and our liberty. This is your job as parents to make good decisions for your kids and it's the Administration's job to make decisions for the staff. You cannot project your personal situation on 2,200 kids and 300 staff members. They are unique and totally different from you, so just keep that in mind. Mr. Rossi asked why we are not willing to do every single thing we can to keep the kids from having to go virtual. When kids go virtual you have parents that are trying to take care of lessons, parents that have to miss work and maybe a day or week of pay, or they may have to take the risk of leaving a child home by themselves. Mr. Miller added that this sounds reasonable, but you are telling people they have to wear something over their face.

Mrs. Lash stated that at the last meeting she knew her vote wasn't going to change anything, and yet she did think that January 10 was too early to end the mask requirement. But because the Board was pretty adamant about wanting it ended on January 10, she knew saying no was not going to make a difference in that vote. She feels fortunate that her grandchildren all go to schools where they are required to wear masks. She also has a daughter that's an OTR working with small children, and as of last week she had seven children under five years old who she could not work with because they all had COVID along with their parents and they cannot get

vaccinated which is a problem. With the amount of people that they see every day registering with positive cases and the number of hospitalizations that are going up, she does like the idea of readdressing this every meeting. She does think we need to keep our masks on. She has talked to seniors who say they do not mind the masks as they would rather be in school, and although they are a nuisance, they will continue to wear them as long as they have to. She has talked to elementary school children who really consider them a nuisance but they also don't want to make their grown-ups ill and bring anything home from school, and so they will continue to wear their masks. We were talking about what our lawyer said, and they are of the opinion that PA School Code does give the Board of School Directors the authority to enact reasonable rules and regulations regarding the conduct and deportment of all pupils attending the public schools in the district. This would likely include the wearing of masks in conformity with the properly adopted Health and Safety Plan.

Mr. Bendigo stated that he is not anti-mask and highly encouraged everyone to wear a mask, particularly during the height of the pandemic that we're going through right now. He is anti-mandate and he doesn't think we should give up our rights to the government in that way. He does feel that all parents are adults and they then have the ability to make the decision as to what's right for their son and daughter when they come to school. He feels that they will make the right decision and do the right thing for their children, their children's friends, and the public at large. This is where he stands and that hasn't changed in two years. With that said, if we have a policy in place, there has to be enforcement of the policy, and what is our enforcement of the policy. Do we have the ability to enforce the policy, because if we don't have the ability to enforce it then we shouldn't have it in place. We as a Board collectively have to decide that if we change what we have now, what is the enforcement that will be put behind it.

Mr. Mertz stated that he is mask optional but does not believe we should be mask optional on January 10. Not when we set another record today for the amount of COVID cases and the City of Reading just enacted an emergency declaration for COVID. Classrooms in a confined space with lack of air changes are the best breeding ground for COVID. Kids can get COVID in three days and then transmit it to their parents. He nearly died from COVID; it doesn't affect everyone in the same way but this has changed his outlook on it. When he's in a confined space with a lack of air changes, he's going to wear a mask. Kids can transmit this to teachers and staff who can then become sick. Other schools are looking at this situation every month and he agrees with this, look at it every month and see where it is. He thinks going mask optional when COVID is at it's worst right now is not the way to go. He believes wearing a mask for 2-3 more weeks will help out until we can get past the holiday curve. It will eventually phase itself out and we can go back to a mask optional situation.

Mr. O'Donnell stated that we've been wearing masks for a while and no matter what, there are up-ticks and down-ticks, nothing has changed. It gets worse with masks and it gets better with masks, but we always come back to masks. We're not talking about more cleanliness issues or social distancing, all we're focused on is the mask. No one is going to move farther away from each other, nothing's going to change. We've discussed this and voted during an up-tick and it's gotten progressively worse, yes, but we've been wearing masks the whole time. If we're going to wear masks we have to do it right or not at all. We're having this discussion when we didn't even let it play out yet. He asked what the disciplinary policy would be for those not wearing masks, and how many students would be expelled if we put this into a disciplinary action. Dr. Taschner noted that she's had this question come from different Board members in different scenarios. If it was a detention and the student does not serve the detention, that usually results in another detention, and if they don't do that, it escalates to some kind of in-school suspension, and you find yourself at out-of-school suspension. The school code does not allow us to do that past ten days. As an Administrator, once we get ten consecutive days, that would come to the Board. The expulsion is not what most people think which is that you're out of school for a year. However, the school code considers the eleventh day, after ten consecutive days, as an expulsion. We can't do that without a school board hearing which the majority of the Board would have to uphold. After that the school code provides for an opportunity for parents to appeal, and

that appeal would go to a commonwealth court who would then decide whether the expulsion was proper. You would have to decide as a Board if you have an appetite to do that. She doesn't think expulsion and suspension is the way to handle this. She would not feel good about and couldn't endorse that type of action and doesn't think this is how the district should approach it, and she doesn't think anyone on the Board would want to see a student expelled for this. In absence of this, the question comes back to what will it be. People think that discipline is very simple in schools and you learn that the simplest things become very complex as behavior is very complex. She thinks that what we're trying to do is shape and hopefully educate people's behavior. She takes this very seriously and wants every student and staff member in our district to be safe, but she doesn't think that any type of discipline that we could mandate on children is going to go anywhere but to a school board hearing. Mr. O'Donnell reiterated that we cannot enforce kids to wear masks other than asking them to wear a mask to a certain point. Dr. Taschner stated that Section 1203 of the school code allows schools to set reasonable rules so that is correct but it's only half of the equation, which is how far would the Board take that. Mr. O'Donnell asked how many of our students are effectively wearing their masks as this time. Dr. Taschner answered that we have very compliant students and the students in this district are very respectful. However, there are many times when a student may have their mask under their chin or nose. If someone says put your mask up, they'll do it, but she can't say there is 80-90% compliance in our schools. It varies from classroom to classroom and from school to school on any given day. Mr. O'Donnell asked if there is a law in place requiring masks and Dr. Taschner confirmed there is no federal order in place. He noted that he wanted everyone to be safe, but there is no disciplinary action, no law and cases keep rising. He continues to support mask optional and his opinion from December 15 does not change.

Mr. Dempsey stated that back on December 15, he was willing to compromise to buy some time to see what might happen prior to vacation over the holidays through January 10 as far as having masks optional on January 10. It was almost immediate that things started happening with the spread of the virus and he regretted what he had done December 15, and he felt like he had made a mistake based on the fact that we have an opportunity to do some mitigation with a mask. People don't agree whether masks work or not, but he is of the opinion that they do because almost every medical professional suggests or recommends wearing masks and being vaccinated. We have no control over the vaccines but we do have control over whether we mandate masking or not. He regrets making the motion to go mask optional on January 10 and his vote today would be to mandate masking.

Mr. Moll stated that the reason he called this meeting was because he heard from different Board members individually saying what is going on and is this the right thing to do. We recognize the fact that no one on the Board wants to send students for expulsion for not wearing a mask. Parents will do the right thing but it's kind of obvious when you look at the stats and you can't walk into a federal building, the court house, a doctor's office or the dentist without wearing a mask. We're asking everyone to look at where we're at and where we need to be to try and keep everybody safe. It's not just the students, but it's also the parents and the extended families. We're asking, for the protection of everyone, while you're in Schuylkill Valley buildings to please wear a mask to help out. He wanted to bring the Board together to have this discussion and if anyone wants to bring forth a motion to have a motion to talk about if we want to make a change. If we make the change to the plan we also need to make an exemption for our athletes.

- 3.3 Approves a motion to add an agenda item to consider and revise the Health and Safety Plan dated January 10, 2022, to go mask mandatory, and to keep the Health and Safety Plan on the agenda on a monthly basis for discussion until the time when a change is needed. In addition, optional mask wearing for student athletes will be maintained in the plan.

**Moved by Alfonso Rossi and seconded by Robert Dempsey to approve a motion to add an agenda item to consider and approve revising the Health and Safety Plan currently in place to go mask mandatory, and to keep the Health and Safety Plan on the agenda on a**

**monthly basis for discussion until the time when a change is needed. In addition, optional mask wearing for student athletes will be maintained in the plan.**

Mr. Dempsey stated that we need to put some teeth into this plan. It's enforceable to a point but there are ways to go around the protocol in the plan and ultimately there were no consequences. Something's got to be done about that. He doesn't know what it is but he thinks that's got to be part of our discussion. Whether it's restriction of privileges, it has to be something. Mrs. Lash asked if the BCTC was still masking and Mr. Mertz stated that was correct, and they've had no shut downs, however the classrooms are very large and the students can spread out. Mrs. Lash noted that the BCIU is also masking at this time.

**Roll Call Vote**

**Yeas: Lash, Mertz, Moll, Rossi, Dempsey**

**Nays: Miller, O'Donnell, Bendigo, Kleffel**

**Motion carried.**

- 3.4** Approves revising the Health and Safety Plan dated January 10, 2022, to go mask mandatory, and to keep the Health and Safety Plan on the Board agenda on a monthly basis as a voting item. In addition, optional mask wearing for student athletes during competitions and practices will be maintained in the plan.

**Moved by Alfonso Rossi and seconded by Robert Dempsey to approve revising the Health and Safety Plan dated January 10, 2022, to go mask mandatory, and to keep the Health and Safety Plan on the Board agenda on a monthly basis as a voting item. In addition, optional mask wearing for student athletes during competitions and practices will be maintained in the plan.**

Mr. Mertz asked how we were going to enforce the plan. Mr. Rossi stated that we should pull out what's in the plan now for enforcement and put it on the Administration to develop something more effective. Disciplinary stuff is the vice principals' job in a school, right? Mr. Mertz commented yes, but the Board makes all the policies. Dr. Taschner stated that school code requires that the Board approve a student code of conduct according to PA School Code, Section 1203, which is the reasonable rules. There are reasonable rules that the Board has adopted, then they can be enacted. This is why she asked the question, what is the Board willing to do, and it seems simple enough to say send the Administration back to figure out, but any penalty that happens for a student escalates if there is not compliance. Taking away dances will probably not get students to the same level of mask wearing that you're looking for because there are so few dances. Another suggestion is that if they are an athlete, not let them play in sports, however that creates an inequity and unfairness to students who are playing a sport and being treated more harshly than a student who is not playing a sport. It's not that the Administration hasn't discussed some of this ad nauseam. It seems like it should be simple, but it is not. Mr. Miller stated that if the vote goes the same as the previous vote, we'll be enacting basically a toothless, meaningless policy, and keeping our administrators and teachers in an untenable situation. It doesn't make any sense. What punishment are you going to put in place? These are kids who are coming to school, doing their work, and getting a free appropriate public education, and now you're talking about because they don't have a face covering or are not wearing it properly, we are now going to discipline them. Mr. Bendigo asked if this terminated on a certain date and is this what is being voted on, or is it open for discussion at every meeting. Mr. Rossi answered that it will be open for discussion at every voting meeting. Mr. Moll added that it will be on the January 24, 2022 agenda. Mrs. Kleffel asked what the threshold would be and Mr. Rossi answered that there isn't one. Mr. Mertz suggested putting it on the agenda as a voting item and if the Board doesn't want to vote on it, it can be tabled. He wants to see it as a voting item and not a discussion. Mr. Bendigo added that he is at a loss as to what the Board expects of the Administrators to come up with some type of punishment and the time frame to implement this. Mr. Rossi noted that this was not in his motion. Mr. Bendigo stated that the Board is voting to

change this but there is not any enforcement to it. Mr. Moll added that it's the same enforcement as what we have now. Mr. Mertz and Mr. O'Donnell stated that there's no point and we might as well be optional. Mr. Bendigo stated that his concern is the position that we're putting the Administrators in and he doesn't want to do that. He noted that we've been told there are students not wearing masks at times in the schools and asked how many of those students have been sent to the office or if anything else has been done. Dr. Taschner stated that to the best of her knowledge what has happened is a three-step process in the Health and Safety Plan which is a warning to the student, a call to the parent, and then a conference. Mr. Bendigo stated that they are put in the position that they must follow the plan put in place by the Board, so the Board either has to fix the plan so that it can be administered or leave it how it is now. He noted that Mr. Rossi wanted to extend the mask mandate because of what's going on now. We have a plan that's going into effect January 10, 2022, if we put it on the agenda for our next voting meeting and we try it January 10 and see how many students are participating and voluntarily wearing a mask, and then make a decision then. Why are we automatically saying that we have to make it mandatory. Mr. Rossi answered that he sees what Mr. Bendigo is saying, but the way things are going now it's the absolute worst time to try something different. Mr. Bendigo noted that in our plan the school gets shut down if we don't have enough teachers and aides to teach the students. Most of the people that are catching it, they're not catching it in school, they're catching it outside of the school environment, so that could happen no matter what. Mr. Rossi added that a lot of people are catching it outside of the school environment, but if you bring it into the school environment and the environment is masked, you're limiting how much it's going to spread. Mr. Bendigo noted that he trusts the public to do the right thing and other people are trusting that they are not going to do the right thing, that's what it comes down to. Dr. Taschner stated that as a point of reference to make sure the Board understands, the Health and Safety Plan dated January 10, 2022 doesn't have the three steps in it, there's actually not anything in it except that the Administration would continue to discuss this to try to figure out something that's progressive. There's a lot of education that needs to happen to try to educate people as to the benefits of this and to encourage it. If you're asking a child to choose between what their parent is telling them to do at home and what their principal is telling them, it's a pretty scary thing, especially at the elementary level, and those are some of the challenges. She doesn't know how far we get if we as a district start to talk to students and beef up the education plan about how important this is, and talk to families about why we're trying to accomplish this and what it means to the community of learners. She doesn't know how much of this has been done in September and October, but it's a different side to it.

**Roll Call Vote**

**Yeas: Mertz, Moll, Rossi, Dempsey, Lash**

**Nays: Miller, O'Donnell, Bendigo, Kleffel**

**Motion carried.**

**4.0 OTHER BUSINESS/GOOD OF THE ORDER**

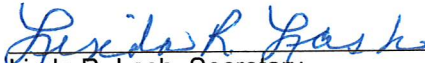
**5.0 ADJOURNMENT**

**Moved by George Mertz and seconded by Paul Bendigo that, there being no further business to come before the Board, the meeting be adjourned.**

**Yeas: Bendigo, Dempsey, Kleffel, Lash, Mertz, Miller, Moll, O'Donnell, Rossi**

**Motion passed unanimously.**

The meeting was adjourned at 8:27 p.m.

  
Linda R. Lash, Secretary  
Board of School Directors