

**Minutes of the  
KUTZTOWN AREA SCHOOL DISTRICT  
Board of Directors Meeting  
Monday, December 6, 2021  
7:30 p.m.**

The Board of Directors of Kutztown Area School District met for a workshop board meeting on Monday, December 6, 2021, at 7:30 p.m., at the Middle School Commons and via Zoom and YouTube, pursuant to due notice to board members and the public.

**Present** Michelle Batz, Randy Burch, Alan Darion, Erin Engel, Michael Hess, Caecilia Holt, Jason Koch, Jeremiah Light, Dennis Ritter, Cooper Dunn-Student Representative

**Absent**

**Also Present** Christian Temchatin, James Macuso, Esq., Steven Leever, Rikki DeVough, Dave Miller, Ed Myers, Deb Barnes, Barry Flicker, Richard Laubenstein, Steven Morris, Jackie Bridges, Chloe Blum, Curtis Treptow, Tina Gammons, Jeri Sievert, Christopher Smith, Paul Vasko, Donna Feiretag, Lorie Zimmerman, Ron Zimmerman, Jennifer Kaufinger, Carrie Wessner, Laura Miller, Karen Austin, Laurel Delaney, Connor O'Neil, Erin Fenstermacher, Kati Newberry, Robyn Underwood, Hannah Cuzzupe, Chilt Shaffer, Jerry Scherer, Elise McCartney, Deanne Boyer, Tate Boyer, Rachel Lambdin, Mike Erdman, Brandon Kries, Ralph Fegely, Ellen Overcast, Barbara Johnson

**Call to Order** The meeting was called to order at 7:45 p.m. by President Burch.

**Welcome** President Burch opened the meeting with a moment of silence and Pledge of Allegiance to the flag. He requested that anyone wishing to speak on an agenda item please use the raise his/her hand feature to be recognized. He indicated that this meeting was being recorded.

**Approval of Minutes** Motion made by Dennis Ritter, seconded by Michael Hess, to approve the Minutes of the November 15, 2021 School Board Meeting.

**Roll call vote:**       **Yes 6**                   **No 0**                   **NA 3 (Engel, Koch, Light)**                   **Absent 0**  
**Motion carried.**

**Superintendent's Report** National Art Honor Society  
Football Honors  
Emma Rhode - Letter of Intent  
Gold Leaf Inductees

**Public Comment** The following stated their opposition to Policy 809-Educational Equity:

- Jeri Sievert
- Curt Treptow
- Steve Wilson
- Jennifer Kaufinger

The following expressed their support of Policy 809-Educational Equity:

- Connor O'Neil
- Erin Fenstermacher
- Robyn Underwood (on behalf of Arabel Elliot)
- Warren Becker

Ted LaMastra urged the board to listen to the parents so they can raise their own children.

Jennifer Kaufinger requested clarification on science requirements for graduation.

Tina Gammons expressed her concern with children/student's mental health.

Carrie Wessner requested clarification on interpretations of Policy 809-Educational Equity and pronoun usage.



- Support Staff Incentive** Motion made by Michelle Batz, seconded by Caecilia Holt, to approve a 2021-2022 Support Staff Incentive for recruitment of staff.  
**Roll call vote: Yes 9 No 0 Absent 0**  
**Motion carried.**
- Emergency Transportation Staff** Motion made by Dennis Ritter, seconded by Michael Hess, to grant the superintendent the authority to compensate current support staff employees at the higher of either their current assignment hourly rate or the starting van driver rate, \$14.00 per hour, when serving as an emergency van driver due to the transportation employee shortage.  
**Roll call vote: Yes 9 No 0 Absent 0**  
**Motion carried.**
- Teaching Things** Motion made by Caecilia Holt, seconded by Michael Hess, to approve the purchase of *Online Technology & Instruction for Educators* (OTIS) at a cost of \$2,333.32.  
**Roll call vote: Yes 9 No 0 Absent 0**  
**Motion carried.**
- Technology Recycling** Motion made by Caecilia Holt, seconded by Jeremiah Light, to accept GER Solutions' bid of \$12,363 for used technology equipment.  
**Roll call vote: Yes 9 No 0 Absent 0**  
**Motion carried.**
- Donations** Motion made by Caecilia Holt, seconded by Michael Hess, to accept the following donations:  
 1. The acceptance, with gratitude, of a donation of \$100 from Thomas Schantz towards the KAHS Summer Foreign Enrichment trip to Germany in the summer of 2022.  
 2. The acceptance, with gratitude, of a donation of \$100 from Kristen Tuerk towards the KAHS Summer Foreign Enrichment trip to Germany in the summer of 2022.  
**Roll call vote: Yes 9 No 0 Absent 0**  
**Motion carried.**
- Public Comment**  
 Jackie Bridges expressed her concern for victims of sexual assault in schools.  
 Jennifer Kaufinger expressed the need for very specific language in Policy 809.  
 Dan Wismer and Jeri Sievert expressed their concern with some graphic books in the school library.  
 Carrie Wessner expressed her concern with masking policies and children.
- Adjournment** Motion made by Michael Hess, seconded by Caecilia Holt, to adjourn the meeting at 10:23 p.m.  
**Motion carried unanimously.**

Respectfully Submitted by,

Rikki L. DeVough  
 School Board Secretary

## Objection by Jason Koch, seconded by Jeremiah Light

*Based on proposed Policy 809, as it is written, I have objections in the nature of non-compliance with existing KASD school board policies and under the U.S. and Pennsylvania constitutions.*

### *Non-Compliance with Existing Policies.*

- (1) Policy 105 requires, as to curriculum, equal educational opportunity for all students.*
- (2) Policy 150 requires the equivalent distribution of school district resources to all students.*
- (3) Policy 905 requires a notice requirement, for the benefit of the Board and the public, that any preliminary or final reports of an advisory committee must be submitted by a date certain as defined in the policy creating the committee.*
- (4) Policy 003 requires a two-thirds vote whenever the structure is altered. I believe 809 does that by creating a new, permanent committee without complying with 905 and where permitting third persons to serve in an advisory capacity without Board approval.*

### *Constitutional Objections.*

- (1) Under the Fourteenth Amendment of the U.S. Constitution, and under Article I, Sections 28 and 29 of the Pennsylvania Constitution, the School District cannot discriminate on the basis of race, ethnicity, or sex. Policy 809 does that in hiring, firing, retention, development, and promotion, and in the equitable access by strategically differing the allocation of resources to students.*
- (2) Under the First Amendment of the U.S. Constitution, the School District cannot engage in viewpoint discrimination, prescribe matters of political opinion, what is considered offensive, create differences in treatment that elevates one view of what is offensive over another or sends a signal of official disapproval of religious or philosophical beliefs. Policy 809 requires the School District to actively recruit and promote based on candidates committed to educational equity, which is viewpoint discrimination.*
- (3) Under the First Amendment of the U.S. Constitution, public education cannot be conditioned on having students declare a belief, including by way of expressive conduct, that the student does not agree with. Suppression of student expression also cannot be based on a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. Policy 809 requires the School District to remove "barriers" which includes attitudes and beliefs, rather than just actions, and to teach children to value "diversity" and "inclusion" and to create a "bias-free culture and environment" and "[r]espectful and civil discourse" by students without reference to our existing policies on bullying or obscene language.*
- (4) Under the Fourteenth Amendment of the U.S. Constitution, parents and guardians have a fundamental right to the moral upbringing and care of their children. Policy 809 does not require parental permission to teach children to value LGBT morality and identity politics. Policy 809 has to be read against Policy 908, which requires parents to require their children, as students, to comply with district policies. Policy 809 does not have any exemptions from that requirement.*
- (5) Under the Fourteenth Amendment of the U.S. Constitution, Policy 809 is impermissibly vague and overbroad. It doesn't give persons of ordinary intelligence the ability to determine what conduct is prohibited and it authorizes arbitrary enforcement, especially where it exceeds actions and intrudes into attitudes and beliefs*