

MIDDLETOWN AREA SCHOOL DISTRICT
Personnel Committee Meeting
September 8, 2015 – 6:00 p.m.
MINUTES

Members in attendance were: Newton Davis, Gordon Einhorn and David John

Members not in attendance were: None

Non-Voting Members in attendance were: Mel Fager, Barbara Layne and Linda Mehaffie

Staff/Public in attendance were: David Franklin (via Skype), Lori Suski, Jody Zorbaugh and Heidi Zula, District Administrators and Staff; Sam Fisher, Teacher; Bruce Hamer, Interested Citizen.

- Notification Dr. Suski announced that David Franklin is out of town and is participating in the committee meeting via Skype. Dr. Suski stated that the meeting is being recorded in order to assist with drafting the minutes of the meeting.
- Opportunity for
Public Comment No members of the public requested to address the committee.
- Resignations **Action Item – Resignations:** Ms. Zula reviewed the resignation of Donlynn Layne as a teacher effective August 31. The committee recommended that the resignation be moved to the Board agenda for approval.
- Leave of Absence
Requests **Possible Action Item – Childrearing Leave Request:** Ms. Zula reviewed the childrearing leave request of Bethany Fratus, School Psychologist, from October 14, 2015 through the end of the 2015-2016 school year. Ms. Zula noted that Mrs. Fratus has been off since May 10, 2015 as a result of the birth of her child. Ms. Zula said that typically employees are only entitled to request leave until their child turns one year old; however, Ms. Zula noted that because the school year ends in late May there is less than one month of school remaining when Mrs. Fratus' child will turn one year old. Ms. Zula said that it may be less disruptive to allow the substitute to finish the school year. Mr. John asked if there were any concerns about Mrs. Fratus returning to work after the childrearing leave. Ms. Zula said that Mrs. Fratus is aware that the leave is conditioned upon return to work after the leave has ended. The committee recommended that the childrearing leave request be moved to the Board agenda for approval.
- Policies **Discussion Item – Policy Revisions:** Dr. Suski said that several comments have been received since Ms. Zula distributed information to District parents about the School Board's revisions to policy #916 in response to legislative requirements. Dr. Suski said that since it is necessary to make revisions to the policy to address the co-op requirements under Act 15, the administration thought it would be beneficial to apprise the committee of the concerns that have been raised by parents. Dr. Suski said that subsequent to the last meeting when this policy was discussed, the District's solicitors have provided explicit policy language along with optional language for consideration by their school clients. Mr. John asked Dr. Suski if she would share the substance of some of the comments that were received so that the committee could keep those in mind as they consider the policy language. Dr. Suski said that a comment was received from a parent involved with the performing arts stating that the policy revisions will have a "chilling effect" on the ability to obtain sufficient

volunteers for some of the behind-the-scenes work. Dr. Suski said that Ms. Zula received some questions from Mr. Fisher regarding volunteers for the movement of band equipment. Dr. Suski said that she and Ms. Zula had an extensive conversation with the solicitor (Mr. Litts) regarding some of the questions that have been raised. Dr. Suski said that the information from the solicitors provides very good guidance of the options that are available to the School Board. Ms. Zula said that some of the other questions that were posed to her involved concession stand workers, individuals working at book fairs, volunteers for classroom celebrations, and classroom assistance. Ms. Zula said that the administration is seeking the will of the School Board for some of the “gray” areas in order to properly execute the policy when these questions arise. Dr. Suski said that the changes in red in the policy attached to the agenda are recommended by PSBA and the solicitor and the items that are highlighted in yellow are the optional changes proposed by the District solicitor. Ms. Zula walked through the changes in the attachment. Ms. Zula said that the solicitor has proposed a change in the title of the policy. Ms. Zula reviewed the proposed changes to expound upon the definition of who is considered a volunteer. Ms. Zula reviewed the optional language that is offered to add to the meaning of “responsible for one or more children.” Dr. Suski provided an example of a situation when someone might not have responsibility for the welfare of children and perhaps would not be required to obtain clearances in the proposed language. However, that volunteer’s status might not be known by a member of the teaching staff, and the volunteer could be asked to do something that would result in the volunteer having unsupervised contact with a child. Dr. Suski noted that teachers do not typically handle the processing of clearances for volunteers. Dr. Suski said that the School Board is faced with making a decision about how much risk they want to assume and how much responsibility is going to be placed upon teachers and building administrators. Dr. Suski said that in order to avoid the potential for someone to be left to care for a child without that volunteer having clearances, many school districts have taken a blanket approach to require clearances of any volunteer coming into the school and working with students. Dr. Suski discussed other situations where the possibility of individual contact is very unlikely and leeway would exist to not require clearances. Dr. Suski discussed the different type of contact that a person would have if they are only building sets for the musical versus someone that is measuring students for costumes and might be in a dressing room with a student alone. Dr. Suski said that it is not possible to delineate every possible scenario in a manual. Dr. Suski discussed the level of contact that a volunteer would have on a field trip. Mr. John said that he thought the optional language reads more as a narrative and not the type of language that would typically be found in a policy. Dr. Suski indicated that some language in the narrative is the solicitor’s drafting notes and should not be included in the actual policy. Mr. John commented on the proposed language that identifies direct volunteer contact with children as “routine interaction” and said that he thought this is where a lot of the comments have been raised. The committee discussed what type of frequency would typically be considered routine. Mrs. Mehaffie commented that someone might not be a routine volunteer but could be asked to do something that would leave them alone with a child, so it may not be good to take a shortcut that would not keep children safe. Dr. Suski said that the clearances do not guarantee that a person will not do something bad but at least would allow the District to have greater assurance that they have tried to protect children as much as possible by confirming the

person's background is clean. Dr. Suski discussed the system that would need to be implemented so that teachers would be able to verify which volunteers have clearances. Mr. John asked if any of the concerns that were raised had to do with the cost to obtain the clearances. Dr. Suski said that there was some concern raised by parents about the cost. Ms. Zula explained that there is no cost for the child abuse and the Pennsylvania criminal history clearance but that the FBI clearance costs approximately \$27. Ms. Zula said that there is ability for parents to be reimbursed for the cost after 10 hours of volunteer service have been fulfilled. Mr. John asked if communication has occurred about the need to track the 10 hours. Ms. Zula said that this information is being communicated to volunteers when they are approved along with providing them the opportunity to be trained in child abuse reporting. The committee recommended that the optional clarifying language under "responsible for the welfare of one or more children" be eliminated as it poses opportunities for confusion more than clarification and is not the type of language that would typically be found in a policy. Ms. Zula reviewed the two-part definition for direct volunteer contact with children. The committee also recommended that the optional clarifying language under this section be eliminated. Mr. Fisher was present at the meeting and was able to provide some actual examples of the type of interaction that different band volunteers would have with children. Dr. Suski said that it will be necessary to have good dialogue when a situation arises in order to determine whether clearances are truly needed. Ms. Zula reviewed the new language that addresses the need for the "supervisor" of a co-op experience to have all clearances. Ms. Zula noted that the law specifically states that all three clearances are required and that the supervisor needs to be in immediate vicinity of the student. Ms. Zula said this portion of the law takes effect December 31, 2015. Ms. Zula reviewed the added language to the volunteer definition to identify a chaperone that could have direct contact with children as a volunteer with no employee present at all times for the purposes of the policy. Dr. Suski provided an example of a parent serving as a chaperone for a school dance who may be stationed in an area with no employee present. The committee agreed that the added language should be retained. Ms. Zula discussed the intent behind the optional language to differentiate between a visitor and an unpaid assistant. The committee did not think that the unpaid assistant language was needed since these individuals are essentially considered volunteers. Mr. Einhorn commented on the possible problem with the word "repeated" in the sentence. The committee recommended that the entire optional language beginning with "a volunteer is someone more than a visitor..." be removed. Ms. Zula reviewed the language indicating that a person who allows a student to "job shadow" him or her is not deemed a volunteer requiring clearances. Ms. Zula reviewed the language discussing a student volunteer who is 18 years of age or older and does not have care for children. Ms. Zula reviewed the language defining a visitor. The committee earlier recommended that language about an unpaid assistant be removed. Ms. Zula said that the new language provides some additional definition of who might be considered a visitor. Ms. Zula said that the old language that no longer was applicable after July 1, 2015 regarding background checks has been removed. Ms. Zula said that the new language is not required to be implemented until July 1, 2016. Dr. Suski said that the School Board previously had decided to implement the language on July 1, 2015, but that this policy review provides another opportunity to reconsider that decision if the School Board wanted to delay implementation until July 1, 2016. Dr.

Suski said that there have not been comments received about the effective date of implementation being earlier than required. The committee recommended that the application date for the clearances remain July 1, 2015 for volunteers. Ms. Zula pointed out the highlighted sections after each clearance and said that the law allows for the clearances to be up to five years old. Ms. Zula said that she cannot pull FBI clearances from the system if they are older than one year. The committee recommended that the language indicating that clearances cannot be older than one year be retained as required of District employees. Ms. Zula reviewed the optional language indicating that the FBI clearance could be waived if a volunteer provides a written statement that he/she has been a Pennsylvania resident for at least 10 years and has not been arrested or convicted of a crime. Dr. Suski said that this is one of the areas where a parent has raised concern. Dr. Suski said that this parent has stated that the District could be violating the intent of the law by forcing the requirement for the FBI clearance. Dr. Suski said that she contacted the solicitor who confirmed that the option exists for a school district to waive the requirement for the FBI clearance under the mentioned scenario, but the School Board is not required to do this. Dr. Suski provided the recommendation of the solicitor that the School District may want to utilize the option to waive the FBI clearance for Pennsylvania residents for the past 10 years as any offenses should show up on the other clearances. The committee expressed concern about the volunteer affidavit being used as it would be possible for someone to make that statement and not be telling the truth. Mrs. Mehaffie also noted that it is possible for an offense to not show up on the Pennsylvania clearances. The committee did not want to change their previous recommendation about requiring the FBI clearance for all volunteers. The committee recommended that the language in the policy indicate that the District reimburse for the FBI clearance only after 10 hours of service is provided. Ms. Zula reviewed the revised language indicating that new clearances will be required every five years instead of every three years as dictated by the legislation. Ms. Zula reviewed the language discussing mandated reporter requirements. Mr. Fager asked if volunteers are aware of what they are required to do as a volunteer. Ms. Zula said that volunteers are provided with a manual that they are expected to review. Mrs. Mehaffie asked about the intent of the policy language in the section on School Board members serving as volunteers. Dr. Suski explained that the language was added to the policy a few years ago and noted the potential difficulty if someone serves as a Board member and a volunteer in a capacity that could put the Board member in a position where a conflict of interest could exist in any proceeding involving an employee requiring impartiality. Mrs. Mehaffie asked what happens if a volunteer does something bad after the volunteer has presented his/her clearances to the District. Ms. Zula said that volunteers, like employees, are required to notify the District within 72 hours of any arrests and/or convictions. Mrs. Mehaffie asked if it was permissible to have the revisions effective July 1, 2015 since that date has already passed. Dr. Suski said that revisions could be listed as being effective upon the date of School Board adoption. Dr. Suski asked if the committee would like to waive first reading and adopt the policy revisions on September 28. The committee recommended that the policy revisions be moved to the Board agenda for approval.

Executive Session

The committee recessed into Executive Session at 7:07 p.m. to discuss personnel matters. The committee returned from Executive Session at 7:20 p.m.

Adjournment

The meeting adjourned at 7:20 p.m.