

**LOWER TOWNSHIP BOARD OF EDUCATION
MINUTES
WORK SESSION AND REGULAR MEETING
FEBRUARY 22, 2022**

Call to Order AT 6:00 p.m.

Work Session:

Work Session Meeting:

Roll Call:

Present:

Monica DiVito
Nichole Koch
Sally Yerk
Lindsey Selby
Patricia Smith
Charles Utsch
Joseph Thomas
Michael Mader
Gary Douglass

Also in Attendance:

Jeff Samaniego, Superintendent
John Hansen, Board Secretary
Brett Gorman, Board Attorney

Agenda Items: Board Discussion on Agenda Items:
Discussion on 2022-2023 Budget
Discussion of changing March 15th meeting to March 22nd, 2022

EXECUTIVE SESSION:

Personnel Matters: #5286, #5788
H.I.B. Sandman #1 2021-2022

Motion: Yerk Second: Mader

All in Favor at 6:15 pm:

Motion to return to Regular Meeting:

Motion: Mader Second: Utsch

All In Favor:

2/22/2022

Regular Meeting:

Roll Call:

Present:

Monica DiVito
Nichole Koch
Sally Yerk
Lindsey Selby
Patricia Smith
Charles Utsch
Joseph Thomas
Michael Mader
Gary Douglass

Also in Attendance:

Jeff Samaniego, Superintendent
John Hansen, Board Secretary
Brett Gorman, Board Attorney

Salute to the Flag.

Statement:

Notice of this meeting of the Lower Township Board of Education, listing the Agenda as known, was duly sent to the Cape May County Herald - Times Newspaper, The Press of Atlantic City, posted at the Municipal Building, and a copy thereof delivered to the Township Clerk; in accordance with the Open Public Meetings Act.

This meeting will be conducted in accordance with:

District Policy: #0164 Conduct of Board Meetings
District Policy: #0167 Public Participation in Board Meetings

PRESENTATION:

Building & Grounds Committee:

Mr. Robert Garrison - Garrison Architect - Special Election –
March 8, 2022 @ 4:00 - 8:00 PM

1} REPORTS:

- A}** Board President:
- B}** Superintendent: Mr. Samaniego reviewed the current month's activities.
- C}** School Business Administrator:

2} APPROVAL OF MINUTES:

January 25, 2022
Regular Meeting & Executive Meeting

Motion: Smith Second: Utsch

Discussion: None

2/22/2022

Voting Yes:

Monica DiVito
Nichole Koch
Sally Yerk
Lindsey Selby
Patricia Smith
Charles Utsch
Joseph Thomas
Michael Mader
Gary Douglass

3} CONSENT AGENDA:

OPEN MEETING TO THE PUBLIC TO SPEAK ON CONSENT ITEMS ONLY: None

R. Routine Matters

R-1 Approval of Financial Statements:

Secretary's and custodian's reports for **January 31, 2022**, which are in agreement as certified by the Board Secretary, that no budgetary account has been over expended, in violation of NJAC 6:20-2.12 (a), (d).

R-2 Approval of Transfers: January 25, 2022 - February 22, 2022{Backup R-2}

R-3 Approval of Bill List: January 25, 2022 - February 22, 2022 {Backup R-3}

R-4 Approval of Cafeteria Report: January, 2022 {Backup R-4}

R-5 Approval of Travel: January 2022 - February 2022 (Backup R-5)

P. Personnel:

1. On the recommendation of the Superintendent, that the following substitute be approved for the 2021-2022 school year, pending receipt of required documentation:
(Backup P-1)

SUBSTITUTES AVAILABLE TO WORK

SUBSTITUTE TEACHER

Meghan Ryan

SUBSTITUTE CLERK/CLASSROOM AIDE/DAY CARE AIDE/CAFETERIA AIDE

Taylor Paluch

SUBSTITUTES NEEDING MORE DOCUMENTATION

SUBSTITUTE CLASSROOM ROOM AIDES/DAY CARE AIDES

Kaylee Nielson, Donna Kraus, Kathleen Dillon

SUBSTITUTE TEACHERS

Elizabeth Troiano, Morgan Robbins

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- 2. On the recommendation of the Superintendent, that the Lower Township Board of Education approve to rescind Motion P-3 on the January 25, 2022 Board of Education Meeting and accept the resignation of Employee #5314 effective January 26, 2022.
- 3. On the recommendation of the Superintendent, that the Lower Township Board of Education approve Family Medical Leave of Absence for the following employees:

<u>EMPLOYEE #</u>	<u>POSITION</u>	<u>EFFECTIVE DATES</u>
#5286	Teacher	2/7/2022 to 2/25/2022
#5229	Teacher	4/25/22 to 6/17/22
#5077	Teacher	9/6/2022 to 12/22/2022

- 4. On the recommendation of the Superintendent, that the Lower Township Board of Education approve Theresa Guido, to remain in the position of 3rd Grade Teacher at the Maud Abrams School for the remainder of the 2021-2022 school year.
- 5. On the recommendation of the Superintendent, that the Lower Township Board of Education approve Natalie DeFelice as 5th Grade Teacher at the Sandman Consolidated School, effective February 7, 2022, approved at the January 25, 2022 Board Meeting, Motion P-5. (Backup P-5)
- 6. On the recommendation of the Superintendent, that the Lower Township Board of Education approve the following Mentor for the remainder of the 2021-2022 school year:

<u>STAFF MEMBER</u>	<u>POSITION</u>	<u>MENTOR</u>
Allyson O'Shea	Asst. Principal @ Sandman & Maud Abrams	John King

- 7. On the recommendation of the School Business Administrator, that the Lower Township Board of Education authorizes that the following employees be charged to the following federal grants:

Title 1: 7/1/21 – 6/30/22

<u>NAME</u>	<u>GRANT ACCT</u>	<u>%</u>	<u>OTHER BUDGET ACCT</u>	<u>%</u>	<u>TOTAL%</u>
Amanda Cardaci	20-231-100-101-00-080	83%	11-213-100-101-00-080	17%	100%
Diana Hansberry	20-231-100-101-00-080	83%	11-213-100-101-00-080	17%	100%
Rebecca Johnson	20-231-100-101-00-080	83%	11-213-100-101-00-080	17%	100%
Erica O'Neill	20-231-100-101-00-080	83%	11-213-100-101-00-080	17%	100%
Miken Sheets	20-231-100-101-00-080	83%	11-213-100-101-00-080	17%	100%

CARES ACT: 1/26/22 – 6/30/22

<u>NAME</u>	<u>GRANT ACCT</u>	<u>%</u>
Allyson O'Shea	20-477-200-100-00-000	100%

CRRSA-ESSER II: 7/1/21 – 6/30/22

Veronica Abel	20-483-100-101-00-000	100%
Jeanne Cappelletti	20-483-100-101-00-000	100%

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Alexis Douglass	20-483-100-101-00-000	100%
Julia Mills	20-483-100-101-00-000	100%
Allison Morey	20-483-100-101-00-000	100%
*Ashley Nelson	20-483-100-101-00-000	100%
Cheyenne Shaud	20-483-100-101-00-000	100%
Lilly Swan	20-483-100-101-00-000	100%

*Covering until Eileen Gianakopoulos returns from her FMLA Leave on 2/25/22

- 8. On the recommendation of the Superintendent, that the Lower Township Board of Education approve Ashley Nelson as Temporary Kindergarten Teacher at the David C. Douglass Veterans Memorial School, effective March 21, 2022 to November 21, 2022, pending receipt of required documentation. (Backup P-8)
- 9. On the recommendation of the Superintendent, that the Lower Township Board of Education accept the resignation of employee #5864.

H. Harassment, Intimidation & Bullying: None.

L. Legislative and Internal Policies:

- 1. On the recommendation of the Superintendent, that the Lower Township Board of Education approve the first reading for the following revisions to existing or new Policies and Regulations: (Backup L-1)

NUMBER	TYPE	TITLE
<i>3421.13</i>	<i>Policy</i>	<i>Teacher Staff Members Postnatal Accommodations</i>
<i>4421.13</i>	<i>Policy</i>	<i>Support Staff Members Postnatal Accommodations</i>

- 2. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve the cancellation of the March 15, 2022 Board of Education Meeting and to reschedule the Meeting for March 22, 2022.

E. Education: None.

F. Finance and Insurance:

The following items are believed to be items of a routine nature and will be moved as a block of action items. Prior to the roll call vote, any member may ask for discussion on any of the items without the block.

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Regular Business:

1. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve the listing of two substitute busses, bus #25 and bus #26, and other obsolete office equipment/furniture on Gov Deals.
2. On the recommendation of the Superintendent and School Business Administrator, that the Lower Township Board of Education approve the Facilities Use Form for the Lower Township Little League to use the fields behind Carl T. Mitnick School effective March to November 2022. (Backup F-2)
3. On the recommendation of the Superintendent, School Business Administrator and Supervisor of Special Services, that the Lower Township Board of Education authorizes the acquisition and training for therapy dogs consistent with the approved 2021-as per the ARP – Mental Health Grant.
4. On the recommendation of the School Business Administrator, that the Lower Township Board of Education approve a Homeless Tuition Contract-special education billing portion between Lower Township Board of Education and Wildwood Crest Board of Education for student #19029, for the period of 2/1/22 to 6/17/22 for half of the tuition. (Backup F-4)

MOTION ON CONSENT AGENDA ON ALL MOTIONS LISTED BELOW:

Routine Matters: R-1 to R-5

Personnel: P-1 to P-9

Harassment, Intimidation & Bullying: None

Legislative and Internal Policies: L-1 & L-2

Education: None

Finance and Insurance: F-1 to F-4

Motion: Yerk Second: Mader

Discussion: None

Voting Yes:

Monica DiVito

Nichole Koch

Sally Yerk

Lindsey Selby

Patricia Smith

Charles Utsch

Michael Mader

Gary Douglass-abstained p-7

Voting No:

Joseph Thomas

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4} NON-CONSENT AGENDA:

Motion to allow masks to be worn as an optional decision while in school, based on the guidance of the State of New Jersey, NJDOE and NJ Dept of Health, with an effective date of March 7, 2022.

Motion: Thomas Second: DiVito

Discussion:

Board Comment:

All Board members except Mr. Thomas either spoke or indicated that they were supportive of the motion. Mr. Thomas stated that he was informed by the superintendent that Board members should not get involved in school operations and his vote would be violating the board's code of ethics. The attorney stated that it did not violate the code of ethics.

Public Comment:

Mr. Douglass clarified the optional provisional that the parents would decide if their student would wear the mask.

Voting Yes:

Monica DiVito
Nichole Koch
Sally Yerk
Lindsey Selby
Patricia Smith
Charles Utsch
Michael Mader
Gary Douglass

Voting No:

Joseph Thomas

5} COMMITTEE REPORTS:

Curriculum Committee: Meeting minutes of 2/15/22 were distributed.

- Mr. Mader presented a statement on the book Black & White.

6} EXECUTIVE SESSION: None

7} OLD/NEW BUSINESS: Mrs. DiVito commented on the staff's positive use of social media outlining each school's activities.

8} OPEN MEETING TO THE PUBLIC:

Ms. Kennedy introduced herself to the board as NJSBA representative.

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Mrs. Robinson spoke in favor of the book Black/White and the process.
Mrs. Randle spoke about in favor of the book Black/White and thanked the board for their hard work.
Mr. Burow spoke in general about the book and talked about the operations of the school board.
Mrs. Cox spoke against the book Black/White and commented on the mask issue.

9} GOOD OF THE ORDER:

- A}** Next Board Meeting: March 22, 2022~~Note change of date.
- B}** Fire Drills: 2/10/22 – Mitnick School & Sandman School; 2/11/22 – Maud Abrams School & Memorial School
Emergency Drill: 1/16/22 – Shelter In Place
Bus Evacuations: Week of March 7, 2022

10} ADJOURNMENT:

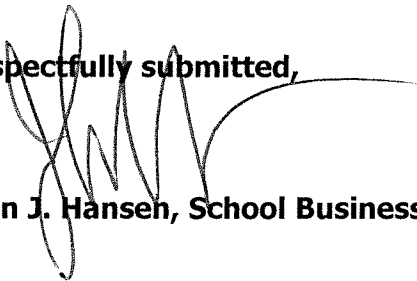
MOTION TO ADJOURN THE MEETING

Motion: Utsch Second: Mader

All in favor:

Time: 8:00pm

Respectfully submitted,



John J. Hansen, School Business Administrator/Board Secretary

MATURE CONTENT BOOK PROTOCOL STATEMENT
CURRICULUM COMMITTEE MEETING

2/15/22

The curriculum committee has considered and edited this statement. The statement is to be read at the next board meeting by Michael Mader, Vice President and curriculum committee member.

For the purposes of this statement the Lower Township Elementary School Board of Education will hereafter be referred to as "The Board" and the Lower Township Elementary School District will hereafter be referred to as "The District."

Statement:

The Board is issuing this statement in response to community concerns regarding books containing mature content or language that may be in the Social Issues unit of study or identified as Young Adult reads. It is the sincere hope of The Board that this statement will clarify both the accessibility and the use of the titles in question as well as The Board's actions regarding these books.

The Board became aware of the issues surrounding the book "Black and White" at the May 2021 board of education meeting. Since that time, board members, staff members and administrators have worked toward an acceptable solution to the concerns surrounding the inclusion of the book in the school setting. Ultimately The Board received and considered information from multiple sources before making a decision regarding the title mentioned above as well as all other books identified as young adult or as containing more mature content or language. The information considered came from classroom teachers, media specialists, administrators, the family of the affected student, a book challenge review committee, the curriculum committee and individual board members. Board actions are determined by policy so the district policy on public complaints and grievances was also a part of the decision making process. The following protocols are currently in place.

The decision to read any one of the identified titles lies with the parents. After parental permission has been granted, the teacher can present the book as a possible reading selection and the student can decide if it's

something he/she wants to read. The books are not readily available to students and may only be accessed by the teacher. Students reading any of the titles are typically in book clubs so they would be discussing the content/themes with their book club members with the teacher facilitating the discussion. The teacher will suggest a book be considered only if he/she believes the content matches the social emotional maturity of the student and that the student may have an interest in the themes presented in the book. If a student chooses a book in the media center labeled "YA" the media specialist will give the book to the classroom teacher who is then required to get parental permission to enable the student to read the book.

It is important to note that the specific book in question, "Black and White" is not and never has been a part of the curriculum and is not required reading. "Black and White" is a classroom library book and has always been in sixth grade classrooms. This book as well as any other titles of more mature content are still in their respective settings but with the aforementioned strict protocols.

The Board acknowledges that mistakes were made regarding the accessibility of the book and agrees that it was most unfortunate this book was read without parental permission. The Board will not offer any excuses and moving forward we hope that the multiple steps and safeguards that have been put into place will prevent any future incidents from occurring.

The Board recognizes that parental involvement is important to the success of the school district and by working together and keeping an open line of communication we can ensure that the Lower Township Elementary School District meets the needs of all of our children.

**LOWER TOWNSHIP BOARD OF EDUCATION
RESOLUTION
AUTHORIZING EXECUTIVE SESSION**

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Lower Township Board of Education to be held in public, N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive Session," i.e. without the public being permitted to attend, and

WHEREAS, the Lower Township Board of Education has determined that 2 issues permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance shall be discussed during an Executive Session to be held on February 22, 2022 at 6:18 P.M. and

WHEREAS, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which **the number** of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

"(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

"(2) Any matter in which the release of information would impair a right to receive funds from the federal government." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

"(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly." H.I.B. Sandman #1 2021-2022

"(4) Any collective bargaining agreement, or the terms and conditions

of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body"

"(5) Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is Personnel matters

"(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is

"(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer." The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed are and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is: _____;

"(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting." Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality: Other Personnel Matters#5286, #5788

"(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit

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belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

WHEREAS, the length of the Executive Session is estimated to be _____ minutes after which the public meeting of the Board shall reconvene and proceed with business.

NOW, THEREFORE, BE IT RESOLVED that the Lower Township Board of Education will go into Executive Session for **only** the above stated reasons;

BE IT FURTHER RESOLVED that the Board hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public's interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

BE IT FURTHER RESOLVED that the Board Secretary, at the present public meeting, shall read aloud enough of this resolution so that members of the public in attendance can understand, as precisely as possible, the nature of the matters that will privately be discussed.

BE IT FURTHER RESOLVED that the Board Secretary, on the next business day following this meeting, shall furnish a copy of this resolution to any member of the public who requests one at the fees allowed by N.J.S.A. 47:1A-1 et seq.

**LOWER TOWNSHIP BOARD OF EDUCATION
MINUTES
EXECUTIVE MEETING
FEBRUARY 22, 2022**

Roll Call:

Present:

Monica DiVito
Nichole Koch
Sally Yerk
Lindsey Selby
Patricia Smith
Charles Utsch
Joseph Thomas
Michael Mader
Gary Douglass

Also in Attendance:

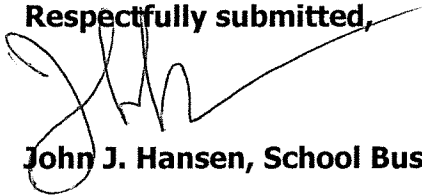
Jeff Samaniego, Superintendent
John Hansen, Board Secretary
Brett Gorman, Board Attorney

EXECUTIVE SESSION:

Personnel Matters: #5286, #5788 –Mr. Samaniego referenced motion P-3.
H.I.B. Sandman #1 2021-2022 – Mr. Samaniego discussed this HIB, and concluded that would be considered harassment, intimidation and bullying.

Time: 6:35pm

Respectfully submitted,



John J. Hansen, School Business Administrator/Board Secretary