A special meeting of the Board of School Directors of the Penn-Delco School District convened on Monday, December 18, 2017, at 6:32 p.m. at the District Service Center pursuant to advertisement published in the Delaware County Daily Times.

School Directors Present:
Kate Denney
Lisa Esler
Catherine Hilferty
Dawn Jones
M. Colleen Powell
Bernie Seasock
Georgia Stone
Kevin Tinsley
Leon Armour

School Directors Absent:
None

Others in Attendance:
Dr. George Steinhoff, Superintendent
Tracy Marshall, Business Administrator
Sean Lilly, Director of Human Resources

ITEMS FOR BOARD REVIEW
2.01 Review proposed select Sun Valley athletic field renderings

Dr. Steinhoff distributed three proposed concepts for the Board’s review. They reviewed the differenced options available. The project slated to begin in May, will be ready at the start of the school year.

2.02 Review of Proposed additions to policy #103 – (Nondiscrimination in School and Classroom Practices)

Dr. Steinhoff reviewed the policy as it currently stands, which does not address gender identity. The Administration was given the task to present the board with a proposed policy. The Board’s options are:

1. Affirm or deny the addition of gender identity to the current policy
2. Amend the policy with changes
3. Leave the policy as is
4. Direct the Administration to develop a standalone policy addressing procedures for transgender accommodations.
ITEMS FOR BOARD REVIEW - Continued

2.03 Review/Distribution of Sample Nondiscrimination or transgender policies from regional school districts.

Dr. Steinhoff distributed resources, which will allow the Board to review transgender facts.

2.04 Resources and Board A & A opportunity for representatives from CHOP

Samantha King from CHOP offered to share resources and expertise with the Board.

Erica Smith from CHOP reviewed areas of concern for transgender students. They often see a fall in grades, emotional/mental health changes as well physical health, even suicide.

Quintin Cruz supports adding gender identity to the nondiscrimination policy. He indicated that there are ten districts in Delaware County who added gender identity into their nondiscrimination policy. Half LGQTB students have experienced violence, but went unreported.

Mrs. Esler asked several questions, has a policy looked at common shared spaces such as shower areas and Federal Law? Ms. King indicated that shared common space and allowing access is part of the education outreach. Previously they were protected under Title 9, however in early 2017, best practices were eliminated. There is no Federal Law.

Mrs. Esler thanked the Board and Community for coming out this evening. She commented on the proposed changes and the common areas, which will be addressed in the policy.

2.05 Legal Updates, Mr. Michael Puppio, Esq.

Mr. Puppio indicated this is an unsettled area of the law. There are two cases in the Third Circuit Courts in the Eastern Area. The first case, Constitutional Rights were found and a preliminary injunction was issued. In the Boyertown case, they sued based on practices. The court denied a preliminary injunction because they didn’t believe they had a case to prevail, however, it was allowed to continue.

Mr. Puppio pointed out it’s a balancing of rights, the law is unsettled and it differs. It’s consistent aspect is fact specific. If someone is uncomfortable, who needs to use the private bathroom, cisgender student or transgender student. He also added that general feelings and what if’s will not drive the law, what happens will. He indicated there are a number of years before there is a black letter law, the law is unsettled. The District must provide the best education to our students.

2.06 Board discussion, as needed

Mrs. Stone feels these decisions are not one that the Board should be making. She feels this is something that the courts should decide. Mrs. Stone read a statement and requested it be entered into the record.

Kyra Green, Student Representative to the Board feels this should be addressed. Students respond to the rule book (handbook) and often will bring a policy up that is being violated to the Administrations attention to have an issue resolved.
PUBLIC COMMENTS
PREPARED AND INFORMAL COMMENTS AND INQUIRES FROM CITIZENS
GUIDELINES FOR PUBLIC PARTICIPATION IN BOARD MEETINGS

The Board recognizes the value added to school governance by public comment on educational issues, and the importance of involving members of the public in Board Meetings.

In order to permit fair and orderly expression of such comments, the Board will provide two periods for public participation during Board Meetings.

The presiding officer at each public board meeting will follow these guidelines:
- Public participation shall be permitted only as indicated on the order of business in the procedures of this Board or at the discretion of the presiding officer on a given issue;
- Participants must be recognized by the presiding officer and must preface their comments by an announcement of their name, address, and group affiliation;
- If appropriate all statements shall be directed to the presiding officer;
- No participant may address or question Board Members individually;
- The public participation in the beginning of the agenda will be limited to 15 minutes totally and to 3 minutes for individuals;
- The public participation at the end of the agenda will be limited to 30 minutes totally and to 3 minutes for individuals.

The presiding officer may:
- Interrupt or terminate a participant’s statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant.

Approved January 24, 1990

PUBLIC COMMENTS
Wayne Mc Carty – 10 Hurford Place – Aston; he would stand beside his children if they were transgender. We need to look at the safety of all our students and children and have a plan in place.

David Kelso – 101 Mildred Lane – Aston; Everyone is concerned about student safety, however he doesn’t feel there are any safety issues currently. He doesn’t disagree with comments of the Board, but they may have gone too far; where does it end?

Kayla Blackstock – SV Student; supports equal access for everyone. Discrimination is already happening. High school years are the hardest years of your life anyway.

Eric Blackstock – 604 Hillside Avenue – Brookhaven; he supports his daughter and feels we need to treat people as humans.

Nena Rapcelli – 405 Camelot Drive – Brookhaven; she agrees with the students, this needs to be identified. Students should have equal rights.

April Tapper – 54 Anvil Road – Aston; Students are bullied, she was when she was growing up and it wasn’t an issue for her because she stood up for herself. Students are mean from a young age.

Joseph Dychala – 110 Donnelly Avenue – Aston; Thanked those who came out tonight and since there is no State or Federal law, he feels we shouldn’t do anything.

Tracey Coleman – 145 E. Roland Rd – Parkside; she doesn’t feel the policy needs to be laid out point by point.
COMMENTS BY MEMBERS OF THE BOARD
Dr. Steinhoff gave the Board the proposed 103 policy as well as a letter he received from a member of the community.

ADJOURNMENT
Following a motion by Mrs. Denney, seconded by Mrs. Powell, the Board adjourned by unanimous consent at 7:49 p.m.

Respectfully Submitted,

Tracy A. Marshall
Board Secretary

Next Meetings: Wednesday, January 18, 2018 – 7:30 p.m., Service Center – Study Session
Wednesday, January 24, 2018 – 7:30 p.m., Service Center – Business Meeting
This Board does not take lightly the difficulties experienced by students who struggle with gender dysphoria. We all recognize that changing one’s gender and/or one’s legal name is a huge decision and the effects are lifelong. Those decisions not only affect that individual student, but their families, classmates, and friends as well. It is my opinion that our school district is not qualified nor authorized to make such decisions in a student’s life. All of the proposed policies tonight put at least some onus on the District to either affirm or deny the new gender identity and/or name a student wants to adopt. I do not believe the local school district is in the best position to do this. I believe it is the role of the judiciary to change a student’s name and/or gender.

If a student desired to change his last name because of a poor relationship with his father, the District can’t do so on our own. Even if we agreed with the student that another last name would be more fitting and if we judged the student’s desires were sincerely held, the District would not have the authority to change the student’s name. Rather, the student would be required to petition the local court and upon court order, Penn Delco would then update our records to reflect the new name. Likewise, I think the decision to change a student’s gender, is one that should be made in the courts. The courts have the authority and the resources to appoint guardians, independent counsel, specialized therapists, or whatever else is needed to make the best decision for that child. The District would then obviously follow whatever court order we were presented with and treat the child according to the name and gender granted by the Court. Unless and until those changes are made by the judiciary, Penn Delco should treat our children in accordance with the names and genders on their birth certificates. We should always make single stall restroom and locker room facilities available for any child who is uncomfortable using the facilities that correspond to their biological sex. But we should not be the judge in questions of gender identity.

Statement entered into the record at request of Board Member Georgia Stone.