

MUHLENBERG SCHOOL DISTRICT  
Committee of the Whole Meeting Minutes  
December 2, 2020  
[www.muhlsdk12.org](http://www.muhlsdk12.org)

**Call to Order**

The Committee of the Whole Meeting of the Board of Education of the Muhlenberg School District was called to order on Wednesday, December 2, 2020 at 6:52 PM by Board President, Mr. S. Wayne Hardy via remote access using Zoom.

**Members Present**

President – Mr. S. Wayne Hardy  
Vice President – Mr. J. Tony Lupia, Jr.  
Secretary – Mr. Thomas W. Gross  
Assistant Secretary – Mrs. Cindy L. Mengle  
Treasurer - Mr. Richard E. Hoffmaster  
Member – Mr. Garrett E. Hyneman  
Member – Mr. Randall R. Madara  
Member – Mr. Mark J. Nelson  
Member – Mr. Otto W. Voit, III  
Solicitor – Mr. Brian F. Boland, Esq.  
Recording Secretary – Mrs. Patricia L. Law

**Administration Present**

Superintendent – Dr. Joseph E. Macharola  
Assistant Superintendent – Dr. Alan S. Futrick  
Business Manager – Mr. Shane M. Mathias, CPA  
Director of Physical Plant and Transportation – Mr. Ken Patterson  
Director of Special Education – Dr. Shawn Rutt  
Supervisor of Special Education – Dr. Tyler Herman  
Behavior Analyst – Mr. Zachary Milch  
Director of Technology – Mr. Daniel Houck  
Director of Federal Programs – Mrs. Cathy Shappell  
Director of Food and Nutrition – Mr. Carey Kline  
Community & Family Outreach Coordinator & Interpreter – Ms. Elizabeth Laviena  
Athletic Director – Dr. Tim Moyer  
High School Principal – Mr. Michael Mish  
High School Assistant Principal – Ms. Lori Morris  
High School Assistant Principal – Mr. C. Eric Schaeffer  
Middle School Principal – Dr. Jeffery Ebert  
Middle School Assistant Principal – Dr. Felicia Gonzalez  
Elementary Center Principal – Mr. Kyle Crater  
Elementary Center Assistant Principal – Mrs. Ginny Hornberger

Visitors (*Note: This is who appeared to be attending via Zoom and may not include everyone*)

Jolyn Casper	Inga Hobbs
Sammi Noll	Laura Ricards
Jenn Doyle	Michele McCammitt
Kathi Wolfe	Linda Figueroa

### **Educational Presentations**

Dr. Macharola congratulated Mr. Hardy on his appointment as Board President and he congratulated Mr. Lupia on his appointment as Board Vice President.

Dr. Macharola said there is a school district in Florida that has been utilizing either a hybrid learning program or has been totally virtual and is missing thousands of students that have not logged on for the entire first marking period. He said he could proudly say that every single child in the Muhlenberg School District has logged on. Dr. Macharola said this is not a monumental achievement; however, it is in this day and age when everything has been changing. He said the District's attendance rate has been very good. The District has a 96% attendance rate which in a remote setting, may be one of the highest in the state. Dr. Macharola said he is very happy with the teachers and he is very proud of them as they continue to deliver instruction from the Muhlenberg campus. Dr. Macharola said there is a new principal at the Elementary Center, Mr. Kyle Crater and he is doing a tremendous job moving the building forward. He said Mr. Baylor, who is a veteran, is doing a great job with students at Cole. Students are doing well in both of those schools. Dr. Macharola said at the Middle School, Dr. Ebert continues to lead with great tenacity; and at the High School, veteran principal, Mike Mish, is doing a tremendous job with those young adults.

Dr. Macharola said he wanted to explain how important looking at data has been; and how important it is to look at everything from a social-emotional and mental health component as well as an academic component. He said no one wants the children in the classroom more than he does. He is a traditionalist, but given COVID-19 and the growing daily numbers, he said he knew the District did the right thing (although it has been exceptionally hard for families). Dr. Macharola said the administration has had to make decisions. He said that for thirteen days there was a need to provide remediation and enrichment going from the traditional format to having to pivot to help students from a social-emotional standpoint, mental health standpoint and an academic standpoint. Teachers needed this as well, because virtual learning is exhausting for them too. Dr. Macharola said the District owes it to students and their families to give them the very best education possible. He said he wanted to commend the administrators and their staff for looking at the data and seeing the number of students who were struggling in multiple classes. Most importantly, from a visionary standpoint, we would not want someone to fail in the third marking period. Dr. Macharola said the first question asked would be if the school knew the student had a problem in the first marking period and why wasn't something done about it. The District did.



Dr. Macharola said beginning on Monday, December 7<sup>th</sup>, students would go back to the traditional virtual schedule. The thirteen days of remediation and enrichment were the best thing that could have been done for the students and the faculty, but now it is time to get back to the regular program. He said if the schools need to pivot in the future, they certainly will. Dr. Macharola said there are more students succeeding than ever imagined in the virtual format. Kids are getting more "A's" than in the past and it is not because the instruction is not rigorous.

Dr. Macharola said he commended the secondary principals, intermediate principal and elementary principal for looking at data, engaging, mobilizing and reacting to help their students and faculty from a social-emotional standpoint.

Dr. Macharola asked Dr. Futrick to provide more information with regards to how students did overall in the first marking period.

Dr. Futrick presented a summary of the first quarter instruction and of how students and staff were doing. He also wanted to commend staff for delivering quality instruction to students in a setting that no one was taught how to teach and they have been able to learn on the fly. Dr. Futrick said teachers have done a remarkable job meeting the needs of students and have really grown over the last eight months as teachers and acquired new skills and strategies that will certainly make them even better teachers when they transition back to the new normal. He said students are doing an awesome job as well. Ninety-six percent of students are coming to school on an average and that is up about 1.5% from last year. That is a very positive indicator and another positive indicator is the amount of students, K-12, who are being successful in their classes. For example, eight out of ten students received at least one "A" in a class and six out of ten students received a "B." Dr. Futrick said at the elementary level - grades four, five and six - about seven out of ten students received "A's" for the first quarter and another seven out of ten received "B's." Dr. Futrick said at the Elementary Center, number grades are used - one, two, three, four - primarily based on how the student is mastering the content. Ninety-seven percent of the students received a three or better. He said this drives home the point of how well the teachers are doing meeting the needs of students. Dr. Futrick said Dr. Macharola pointed out that there were some things that needed to be improved. He said one thing that was learned was that both students and staff needed social-emotional check-ins. Teachers were not able to stop a class and meet one-on-one with a student, so the thirteen days of remediation and enrichment allowed the teachers to meet with students on an individual basis. This is new to everyone. At middle school and high school, students are run through a normal day online - eight periods a day on the computer, which leads to fatigue, not only students but staff too. Dr. Futrick said one thing that stood out is that some students procrastinate. There were some students who received "F's", more than in the past, not a lot; but, when a student failed while in an in-school setting, it is much easier to catch those students. Teachers would do a great job of capturing those students, meet individually with them and help to move them along. In a virtual environment, it is much harder to do. He said many students, as evidenced by their grades, are

excellent independent workers. They can work at their own pace; they enjoy learning like that, and it's helping students to manage their time better.

Dr. Futrick said virtual learning is new, and teachers must learn too through this process. There are some other good things associated with this setting. One of the reasons that students are doing so well is because a lot of the social barriers and challenges that often face students in traditional learning have been removed – peer pressure, anxiety, stress, distractions in class, conflicts. Those things are not present in a virtual environment. Students are able to concentrate and do their school work. He said there were some students that needed to be guided and hopefully, those thirteen days helped to get those students in the right direction.

Dr. Macharola said one area the District must focus on was literacy, the number one seed seven years ago when the District implemented the Blueprint for Success, which led to a U.S. News and World Report ranking as one of the best high schools – for five years children progressed every year. He said the District initiated programs that gave teachers the tools; did not suffocate instruction; did not suffocate creativity, but put everyone on the same page. He said he is very concerned about literacy and the District needs to get on board with that. The data indicates here is a portion of children at the elementary level who are now reading below level. Dr. Macharola said literacy is the key to succeeding educationally. He said the administration along with the counselors would need to focus on this area.

Comments/Questions/Concerns:

*Mr. Madara thanked Dr. Macharola and Dr. Futrick for the update.*

*Mr. Lupia asked at what point it would become a point of no return. He said he was reading a study from the Pew Institute, Most Parents of K-12 Students Learning Online Worry About Them Falling Behind, and another study from Harvard, Online School Students Performance Often Falls Behind Kids at Other Public Schools. He said a vaccine is on the horizon and will shortly be coming forward, so at what point will the District say, okay, back to the classroom. Mr. Lupia said the studies show parents who have a job are more likely to be concerned about their children learning online and the lack of interaction with other students. He said he was concerned that some students will stop attending school like in Florida and in Chicago. When would the District say the kids are going back.*

*Dr. Macharola said he was fascinated by Mr. Lupia's taste in reading. He said he was familiar with those studies as well another study from Oregon State. Dr. Macharola said he has kept the Board up-to-date on the literature and studies so that the Board has every ounce of information that is out there. He said they are useful studies to digest. Dr. Macharola said one life lost is one life too many. He said he is a traditionalist and he wants the children back in school more than anyone else, but the reality is there were eighty-five employees out last month due to COVID-19 related issues – either having symptoms or needing to quarantine. The Muhlenberg School District would have been closed for five and a half weeks and that is without the*



stimulus of students being here. Had students been here, the District probably would have been closed eight to nine weeks of the entire period. Dr. Macharola said staffing is a major concern and consideration. He said he has provided the Board with data on how low staffing is in the state of Pennsylvania and across the country. The eighty-five number has increased now to one-hundred and thirty employees out due to COVID related reasons. The District has been operating with one-hundred and thirty employees who have been in and out continuously with these COVID issues. Dr. Macharola said the District is doing what it is supposed to do. When Governor Wolf and Secretary Levine mandated attestation implementing mitigation efforts, Dr. Macharola said as a commissioned officer of this state, he is obligated to continue to support and follow the recommendations of the Department of Health, the World Health Organization and the CDC. He said the CDC is now saying that they may be lowering the guidelines for quarantining from fourteen days to seven or ten. Dr. Macharola said Mr. Lupia's question was going to require everyone in the community to do everything they can in terms of mitigation. He said at some point, he knows that everyone will be able to get back to some sense of normalcy. The District is prepared for that time when it comes. Dr. Macharola said there will be some information that the District will have to deal with including some pathways that will have to be done day by day. He said minute-by-minute, hour-by-hour, day-by-day as the issues arise and change so do the answers. Dr. Macharola said the survey that was done said thirty percent of students would not come back no matter what. The District will have to look at the implications of that; although, he feels that could be more like ten percent. Even ten percent is about four hundred students. He said there will be so many things that the District will have to be prepared for when that time comes. Dr. Macharola said he does not see that here given the statistics and the data. He said the statistics and the data must be analyzed to keep everyone safe. Dr. Macharola said he must worry about the staff and teachers. He said right now they have the best environment. The cafeteria is operating for them. Dr. Macharola said if he loses teachers over COVID, there is no one to cover for them. He said when the Governor and Secretary Levine give the green light, he knows the Board will do the right thing, but he doesn't see that on the horizon right now. As far as those two studies, Dr. Macharola said he completely agrees with them.

Mr. Lupia asked when the District gets the green light, how long until the students would return to school.

Dr. Macharola replied the District is poised for return; however, he does not have a crystal ball so it will be day-by-day. He said in the beginning of the year he said a hybrid model would not work in the District, but he felt it could now because of the \$200,000 investment. The District was not set-up for this, but now it would be able to stream home for parents who do not want to send their children to school. Dr. Macharola said there will be a new normal in the District and if there was ever a time for cooperation it will be at that point when the students are brought back. The traditional format will not look the same as everyone is accustomed to.

*Mr. Lupia said there were other concerns too. He said he read that the death rate from suicide out-numbered the coronavirus deaths now. Mr. Lupia said he heard Xfinity is going to start charging for the Wi-Fi boxes and this will put an extra burden on some of the families.*

*Dr. Macharola said when he says one life lost is one too many, that is exactly what he is talking about. He said it is not just the children that could pass away from COVID; and, there are hundreds and hundreds of children with pre-existing conditions that attend the Muhlenberg School District that will not be coming back to school. Dr. Macharola said as the enrollment drops, so does the basic education funding. He said the District has been fortunate to stay above 4,000 students, but also remember the Muhlenberg School District has the lowest per pupil cost in the county – lower than Reading and the District never really adjusted to those extra 600 students. The District has been frugal. Dr. Macharola said life is more important to him than anything else and the District will do everything to keep the students, faculty and staff safe. He said he would not want to do anything reckless like bringing students back when it is known that they should not be here.*

*Mr. Lupia said at this time it is very dangerous and thanked Dr. Macharola.*

*Mr. Hoffmaster said he understood what Mr. Lupia was talking about; however, administration is doing a good job by keeping students home. He said in the spring everyone was upset about graduation, but the administration did a good job with that. Mr. Hoffmaster asked if there was a shortage of teachers right now. Dr. Macharola replied, absolutely. Mr. Hoffmaster said he heard that a lot of kids are not going to school in other districts where they have in-person instruction. He said if the kids come back to school, they could take the virus home to their parents and grandparents. The District is looking out for the kids and their families. Dr. Macharola said he agreed.*

*Mr. Nelson said there were 282 new cases as of midnight – that is why the students are not back in school yet.*

A. Physical Plant Update - Mr. Kenneth Patterson

Mr. Patterson reported:

- In July of 2020, a comprehensive PM was performed on all transformers and the main switchgear by Reuter Hanney and Twiford Electric. This PM revealed some repairs that needed to be made to the three transformers at the Middle School and two transformers at the Intermediate School. These repairs involved draining the existing oil; repairing several leaks; putting the proper oil level back into the units; and, then testing the units. A proposal is before the Board for considerations with funds being used from Capital Reserve. The work would be performed on a Saturday as localized power outages are required to perform those tasks.



- Update on Water Damage Repairs to Muhlenberg Community Library from August 2 torrential rains – all of the asbestos flooring tiles scheduled for removal was completed. The Library is back in operation for curbside pick-up. The Library staff continued to unpack boxes of books and put the library back together getting ready for in-person service when reduced COVID community numbers allow that to happen.
- Muhlenberg's maintenance and custodial crews continue to keep the buildings and grounds operational for staff members and for athletic practices and games. Winter sports and activities are in full swing within the facilities. Any facility used by student athletes and coaching staffs is cleaned and disinfected after each use as well in between usage for facilities shared for different sports. Staff member areas of occupation and common areas are sanitized daily. The Physical Plant and Transportation Department will continue to monitor the recommendations and guidelines being set forth by federal and state health agencies and PDE for the Muhlenberg School District. Both crews continue to do a great job and Mr. Patterson is extremely proud of their efforts to maintain the facilities. They have been working hard each day since the shutdown in March.
- The current communication and paging system at the High School is obsolete and is no longer supported. With the help of Cathy Shappell writing the grant, the Muhlenberg School District was awarded the necessary funds through Safe Schools to replace the obsolete system with a new Rauland TCU Critical Communications System that will improve the communication capabilities at the High School. It will also integrate with the Genetec Security System. Mr. Patterson will continue to move forward with updating the communication systems in each building

Comments/Questions/Concerns:

*Dr. Macharola said he commended Mr. Patterson and all of the building and grounds staff. They have done a tremendous job and he is proud of the entire department for their work. He also commended Mrs. Shappell for doing an incredible job. There were fifteen grants out there and she picked them up bringing in \$2.4 million to help the District get through this.*

**Hearing of Visitors** - Muhlenberg School District taxpayers and residents have an opportunity, at this time, to comment on matters of concern, official action, or deliberation, which are or may be before the Muhlenberg School Board. The Board retains the option to accept all public comment at this time. Presentations should be limited to two minutes per person. In the event that the Board determines that there is not sufficient time for residents or taxpayers of the School District to comment, the Board may defer the comment period to the next regular meeting.

There were none

## **Board Business**

### **Personnel**

#### **1. Acceptance of Resignations**

Resolved, that the Board of Education of the Muhlenberg School District accept the following resignations:

- a. Mr. John Spangler, Maintenance Mechanic, resignation for the purpose of retirement, effective January 7, 2021.
- b. Ms. Lisa K. Sroka, Reading Specialist, Muhlenberg Elementary Center, resignation for the purpose of retirement, effective December 31, 2020.
- c. Mrs. Pamela Schrift, Class A Secretary, Muhlenberg Middle School, resignation for the purpose of retirement, effective December 1, 2020.

#### **2. Professional Appointments**

Resolved, that the Board of Education of the Muhlenberg School District approve the following professional appointments:

- a. Ms. Jade Fagley, Long-Term Substitute, 3rd Grade (E. Antosy), Muhlenberg Elementary Center, effective December 1, 2020 through on or about March 19, 2021, at a prorated salary of \$42,932 (B, 18 Steps from the Top).
- b. Ms. Laura Santangelo, Technology & Engineering Teacher, (D. Keebler), Muhlenberg Elementary Center, effective December 14, 2020, at a prorated salary of \$42,932 (B, 18 Steps from the Top).

#### **3. Completion of Probation**

Resolved, that the Board of Education of the Muhlenberg School District approve the completion of probation for the following classified employees:

- a. Mr. Brad Barskey, Clerical Assistant, C. E. Cole Intermediate School, completion of forty-five (45) day probation as of November 11, 2020 and recommended for permanent employment as of November 12, 2020.
- b. Mr. Kyle Craig, Instructional Assistant, Muhlenberg Elementary Center, completion of forty-five (45) day probation as of November 9, 2020 and recommended for permanent employment as of November 10, 2020.

#### **4. Co-Curricular Appointments**

Resolved, that the Board of Directors of the Muhlenberg School District approve the following co-curricular appointments:

- a. Ms. Talitha Poore, Varsity Girls Basketball Assistant Coach (C. Thomas), effective November 10, 2020, at a salary of \$4,350 (year 1).
- b. Ms. Lori Steiner, Hall of Fame Coordinator, at a salary of \$1,450 (year 2).



- c. Mr. Jacob Conrad, Junior High Boys Basketball Head Coach, effective December 3, 2020, at a salary of \$4,350 (year 1).
- d. Ms. Miranda Olmeda, Junior High Girls Basketball Volunteer Assistant Coach, effective December 3, 2020.
- e. Ms. Lori Morris, Varsity Boys Basketball Volunteer Assistant Coach, effective December 3, 2020.
- f. Mr. Zachariah Milch, Varsity Boys Basketball Volunteer Assistant Coach, effective December 3, 2020.

## **5. Co-Curricular Resignations**

Resolved, that the Board of Directors of the Muhlenberg School District accept the following co-curricular resignations:

- a. Ms. Amy Gattone, Student Council Advisor, C. E. Cole Intermediate School, effective January 22, 2021.
- b. Ms. Lauren Yoder, Varsity Field Hockey Head Coach, effective November 16, 2020.

## **Management**

### **1. Adoption of Policy**

Resolved, that the Board of Education of the Muhlenberg School District adopt the following district policy:

- a. Policy No. 317.1, Educator Misconduct

## **Physical Plant and Transportation**

### **1. Muhlenberg Middle School and C.E. Cole Intermediate School Transformer Repairs**

Resolved, that the Board of Education of the Muhlenberg School District approve repairs to the transformers at Muhlenberg Middle School and C. E. Cole Intermediate School at a cost of \$18,600 (Capital Reserve Fund).

## **Budget and Finance**

### **1. Approval of Financial Reports**

Resolved, that the Board of Education of the Muhlenberg School District approve the following financial reports and that they become part of the permanent record of the meeting:

<b>Fund</b>	<b>Treasurer's Report</b>	<b>Financial Report</b>	<b>Bills Paid Month</b>	<b>Investments</b>	<b>Budget Transfers</b>
General	Oct 2020	Oct 2020	Nov 2020 Ck#48920-49064 V#26613-26651	Oct 2020	
Cafeteria	Oct 2020	Oct 2020	Nov 2020 Ck#6929-6965 V#2836-2841	Oct 2020	
Capital Reserve (Fund 32)	Nov 2020	Nov 2020	Nov 2020 Ck#902-903		
Capital Projects Fund (Fund 39)	Nov 2020	Nov 2020			
Activity	Oct 2020	Oct 2020			

**2. Tax Assessment Appeal - North Plaza Investors, LP**

Resolved, that the Board of Education of the Muhlenberg School District ratify and approve the tax assessment appeal filed on behalf of the School District by Brian F. Boland, Esquire, John E. Muir, Esquire, and Kozloff Stoudt, Professional Corporation, the Solicitors of the School District in response to a decision by the Berks County Board of Assessment Appeals in an assessment appeal filed by North Reading Plaza Investors, LP and the property located at 5370 Allentown Pike, Muhlenberg Township, Berks County, Pennsylvania, Property ID No. 66530908897993 as presented.

**3. Tax Assessment Appeal – Pike Distributors, Inc.**

Resolved, that the Board of Education of the Muhlenberg School District ratify and approve the filing of a tax assessment appeal on behalf of the School District by Brian F. Boland, Esquire, John E. Muir, Esquire, and Kozloff Stoudt, Professional Corporation, the Solicitors of the School District in response to a decision by the Berks County Board of Assessment Appeals in an assessment appeal filed by Pike Distributors, Inc., property located at 2910 North Fifth Street Highway, Muhlenberg Township, Berks County, Pennsylvania, Property ID No. 66530811762080 as presented.

**4. Tax Assessment Appeals - CCP Berks, LLC**

Resolved, that the Board of Education of the Muhlenberg School District authorize Brian F. Boland, Esquire, John E. Muir, Esquire, and Kozloff Stoudt, Professional Corporation, Solicitors for the Muhlenberg School District, to intervene in the Assessment Appeals filed by CCP Berks, LLC on behalf of the Muhlenberg School District as presented.



**5. Tax Assessment Appeal - HCP Mezzanine Leader, LP**

Resolved, that the Board of Education of the Muhlenberg School District ratify and approve the filing of a tax assessment appeal on behalf of the School District by Brian F. Boland, Esquire, John E. Muir, Esquire and Kozloff Stoudt, Professional Corporation, the Solicitors of the School District in response to a decision by the Berks County Board of Assessment Appeals in an assessment appeal filed by HCP Mezzanine Leader, LP., property located at 2125 Elizabeth Avenue, Muhlenberg Township, Berks County, Pennsylvania, Property ID No. 66531918401887 as presented.

**6. Tax Assessment Appeal - MSCI 2006-HQIO North Chancery Street (K-Mart)**

Resolved, that the Board of Education of the Muhlenberg School District authorize Brian F. Boland, Esquire, John E. Muir, Esquire, and Kozloff Stoudt, Professional Corporation, Solicitors for the Muhlenberg School District, to intervene in the Assessment Appeal filed by MSCI 2006-HQIO North Chancery Street (K-Mart) located at 3045 Fifth Street Highway, Muhlenberg Township, Berks County, Pennsylvania, Property ID No. 66530812862670 on behalf of the Muhlenberg School District as presented.

**7. Tax Assessment Appeal - Virbin Associates, Inc.**

Resolved, that the Board of Education of the Muhlenberg School District ratify and approve the filing of a tax assessment appeal on behalf of the School District by Brian F. Boland, Esquire, John E. Muir, Esquire and Kozloff Stoudt, Professional Corporation, the Solicitors of the School District in response to a decision by the Berks County Board of Assessment Appeals in an assessment appeal filed by Virbin Associates, Inc., property located at 2310 Fraver Drive, Muhlenberg Township, Berks County, Pennsylvania, Property ID No. 66530816725927 as presented.

**Education**

**1. Health Services Agreement for the 2020-2021 School Year**

Resolved, that the Board of Education of the Muhlenberg School District approve the health services agreement with Dr. Jeffrey Gold to provide school physician services for the district for the 2020-2021 school year.

**2. Certificate of Support Students**

Resolved, that the Board of Education of the Muhlenberg School District approve the enrollment of Certificate of Support Students, PA School Code 1302, for the 2020-2021 school year as listed.

### **3. Acceptance of Gifts, Grants, Donations**

Resolved, that the Board of Education of the Muhlenberg School District accept the following donations in accordance with district Policy 702, Gifts, Grants, Donation:

- a. BJ's Wholesale Club, Kellogg's "Feeding Reading" Program, donation of books for third grade classroom libraries at Muhlenberg Elementary Center.
- b. Ms. Kaitlyn Huey, 2019 Muhlenberg High School Graduate, donation of assorted school supplies for Muhlenberg Middle School.

### **Minutes**

Review minutes of the Committee of the Whole Meeting of November 4, 2020 and the Regular Meeting of November 4, 2020.

### **Old Business**

*There was none.*

### **New Business**

#### **1. Memoriam of Ms. Mary Sandra Delp**

Resolved, that we remember the passing of Ms. Mary Sandra Delp who served in the Muhlenberg School District for thirty-two (32) years (1962-1994) as a secretary. We honor her memory for her dedicated service to the school district and community.

Be it further resolved that we convey through this resolution our deepest sympathy to her family, and that this resolution be made part of the permanent record in the minutes of the Muhlenberg School District.

#### **2. Attestation Ensuring Implementation of Mitigation Efforts**

Be it Resolved by the Board of School Directors of the Muhlenberg School District that, the Board hereby ratifies and affirms the action of the Superintendent of Schools together with the President of the Board whereby they completed and filed with the Pennsylvania Department of Education the Attestation Form as attached as Exhibit "A" on or before November 30, 2020.

Be it further resolved, that the Board acknowledges that the District will comply with:

- 1) the November 18, 2020 Revised Recommendation Regarding Face Coverings available at:  
<https://www.governor.pa.gov/wpcontent/uploads/2020/11/20201117-SOH-Universal-Face-Coverings-Order-Update.pdf>



and;

- 2) the Revised Recommendations for Pre-K to 12 Schools Following Identification of a Case(s) of COVID-19  
(available at [SchoolClosureRecommendations.aspx](https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID19/SchoolReopeningGuidance/ReopeningPreKto12/PublicHealthGuidance/Pages/)).

<https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID19/SchoolReopeningGuidance/ReopeningPreKto12/PublicHealthGuidance/Pages/>

All as set forth in the Attestation Form (Exhibit "A").

Comments/Questions/Concerns:

*Dr. Macharola said the Governor and Secretary Levine mandated and required all 500 school districts to complete an attestation assuring their implementation and mitigation efforts. School districts had to document and validate whether it was in a hybrid setting, a traditional setting or a fully remote learning setting. The country is experiencing the highest daily case count since the beginning of the novel corona virus pandemic resulting in increased hospitalizations, nearly 10,000 deaths and a heightened risk of the most vulnerable Pennsylvanians. The Wolf Administration identified new mitigation efforts and it was required that the Chief School Administrator and the President of the Board sign the attestation and submit it by Monday, November 30, 2020. He said he believed that 99%-100% of the school districts in Pennsylvania submitted this. Dr. Macharola said he and Mr. Hardy both endorsed the attestation identifying that the District is fully remote learning and will continue to uphold and follow the mitigation efforts as outlined by the Pennsylvania Department of Health and the Pennsylvania Department of Education. This document was submitted on November 23<sup>rd</sup> and receipt of it being accepted was received. He said at this time, with the recommendation of Attorney Boland, the Board is being asked to ratify this attestation. Dr. Macharola asked Mr. Boland for any additional information.*

*Mr. Boland said this was an awkward way to put the school district in a box and require it to adhere to the guidelines from DOH regarding the series of charts indicating the number of cases, which would require districts to close for so many days to clean and disinfect. He said this was a way to get the school district to say that it would adhere to those closing guidelines. Mr. Boland said there was not much that could be done other than to direct the superintendent and the board president to file this. He said this resolution is ratifying the attestation, which indicates it is the Board's direction to file this attestation formally with the state.*

*Mr. Lupia asked Mr. Boland to explain the newest veto by Governor Wolfe involving no liability with any entity and COVID. Mr. Boland said under Political Subdivisions Tort Claims Act, there is immunity from suit as a sovereign – the sovereign immunity theory that the king cannot be sued and, government can't be sued; however, there are eight exceptions to the sovereign immunity doctrine, and each one of those exceptions inside that silo the way an entity can be sued. For example, one is the care, custody and*

control of real estate; another is the use and operation of motor vehicles. Inside those exceptions, the way an entity would be sued is on a basic negligence theory. What House Bill 1737 was going to do was eliminate negligence and create a gross negligence and a willful unwanted standard. A person would have to have taken action affirmatively to do something COVID-related in order to incur liability. Mr. Boland said he thought the Governor's concern was that people would be given a free pass to ignore the protocols. He said it would have been beneficial to the school district to have the negligence standard removed and replaced with a higher standard of gross negligence. The House Bill was going to be temporary through the period of COVID. It was not going to be a permanent roll-back. Mr. Boland said it would have required the District to take an affirmative action or knowing that something COVID related was going on, put people in harm's way. It would have been much more protection for the Board.

Mr. Madara asked Mr. Boland if he was aware of any COVID related litigation. Mr. Madara said he wondered how a person would prove that. Mr. Boland said he did not know of any. He said one of the things that helped to tamp down these types of cases is the awareness of COVID and the awareness of what needs to be done – masks, hand washing, staying away from people that are infected and quarantining – is so well known that it is difficult for someone to say that the District acted negligently in operating a school bus or bringing teachers into the classroom. Mr. Boland said the awareness is pretty high, the knowledge is pretty high in terms of what to do. He said he is not aware of any cases yet.

#### **MSD/RMCTC Board Visitor of the Month**

December	Mr. Thomas W. Gross
January	Mr. Otto W. Voit, III
February	Mr. Mark Nelson
March	Mr. Garrett Hyneman
April	Mrs. Cindy Mengle
May	Mr. Richard E. Hoffmaster

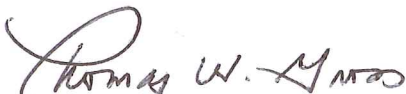
#### **Review of Board Meetings and Calendar of Events**

December 2	6:30 PM	Annual Reorganization Meeting; Committee of the Whole Meeting; Regular Board Meeting
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#### **Adjourn Meeting**

Moved by Mr. Nelson and Mr. Hoffmaster, that there being no further business to come before the Board, the meeting be adjourned. Meeting adjourned at 7:41 PM.

Attest:



Thomas W. Gross  
Secretary