

SPRING LAKE BOARD OF EDUCATION REGULAR MEETING, OCTOBER 17, 2022

The Spring Lake Board of Education held a Regular Meeting on Monday, October 17, 2022 at the SLIS/MS Media Center. Jennifer Nicles called the meeting to order at 7:00 p.m. Board members present: Jennifer Nicles, Curt Theune, Kathy Breen, Bruce Callen, Katie Pigott, Paul Aldridge and Christopher (Chris) Beck. Absent: None

The meeting opened with the Pledge of Allegiance.

APPROVAL OF MINUTES

Curt Theune moved, supported by Chris Beck, to approve the Minutes of the Regular Meeting of September 19, 2022, as presented.

Vote: Yes – Unanimous

ITEMS RECEIVED TOO LATE FOR PRINTED AGENDA

Two additions:

- Appeal to Material Review Committee decision to allow *Gender Queer* book in the HS Media Center, received late Friday afternoon, will be added as item 5 after the Financial Audit Report
- Trip request for a high school club will replace what is currently item 7A, which will be removed due to the appeal above

REPORTS

2021-22 FINANCIAL AUDIT REPORT

Mr. Furton welcomed Nick Kossaras from the auditing firm of Maner Costerisan. Mr. Kossaras provided the results of the 2021-22 financial audit. No issues or findings were present, and Maner Costerisan was happy to issue an unmodified opinion with respect to the financial statements, which means the financial statements accurately reflect what happened at the district.

A summary of the audit included notations of the following:

- Management's Discussion and Analysis
- New for FY22:
 - Education Stabilization Funds which include GEER II, ESSER II and ESSER III
 - GASB 87, Leases, which had no impact on the financial statements this fiscal year
- Summary statement of net position include assets decreasing by about \$630,000 and liabilities decreasing by about \$28,600,000
- Balance sheet summary including fund level number for assets, liabilities and fund balance
- Income statement summary including revenues, expenditures and other sources
- Key performance indicators (KPIs) – Previous year's fund balance was \$3,500,000 or 11.8%, and 2021-22 fund balance is \$5,200,000 or 17.1%, which indicates a healthy fund balance
- Budgetary comparison within general fund shows remarkable budgeting with an overall budget variance of about -\$7,632, which equates to -0.03%

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- Clean/unmodified opinion on single audit of federal awards for child nutrition cluster
- Governance letter
- Management letter comment regarding food service

Mr. Kossaras acknowledged the great job that Scott Powers, Brad VanDeVusse and the business office do with budgeting year in and year out.

Mr. Kossaras further touched on future issues over the next year with GASB 96 for subscription-based IT arrangements such as accounting software, curriculum, and things of that nature. He indicated this is similar to GASB 87 for leases.

APPEAL TO MATERIAL REVIEW COMMITTEE RECOMMENDATION

Jennifer Nicles provided that a parent of SL students has elected to appeal the Material Review Committee's recommendation to allow the book *Gender Queer* to stay in the HS Media Center. She provided the process for hearing the appeal would be as follows:

- The parent who is making the appeal will address the Board
- If there are members of the audience who wish to share their support for keeping the book in the HS Media Center, they may address the Board so that both sides can be heard
- The Board will then discuss the appeal leading up to a decision, which must be made according to the Bylaws, including a motion, a second of the motion and a roll-call vote

Chris Beck asked if public comment would be before or after this and Ms. Nicles indicated they would be after.

Ms. Nicles provided the background of the initial challenge of the book made earlier this year to Mr. Army, HS Principal. A Material Review Committee was formed following the criteria outlined in Board Policy 9130. Mr. Furton served as an ex-officio member of the committee and did not vote. The book had not been checked out by a student before the complaint was made.

The committee deemed the book an accurate, scientifically-based narrative that examines non-binary gender identity that would be beneficial to the reader. The book was considered objective in the presentation of the story. The committee deemed the content of the book to be appropriate for grades 9-12 and recommended the book remain part of the collection at the HS. It was noted that the parent making the initial challenge to the book had the option to appeal the recommendation and that no appeal was made at that time and one had not been made until this past Friday.

The parent, who asked to remain nameless, came forward with the appeal respectfully requesting the Board consider his petition to remove the graphic novel *Gender Queer*, a memoir by Maia Kobabe, from the HS Media Center due to the mature sexual content of the book described in words and pictures (fondling, masturbation, oral sex, nudity, sexual intercourse and fondling between an adult and a minor) indicating the images are not appropriate for minors. He does believe the memoir contains positive messages and touches on difficult issues of acceptance and identify which could potentially be beneficial to parents of LGBTQ+ children and stated his objection to the content of the book has nothing to do with the LGBTQ+ theme. He indicated that the book is rated for ages 18+ on Amazon, the book is a graphic novel which means the story is told in pictures with word captions. He stated SLPS strives to adhere to the Child Internet Protection Act, known as CIPA, which require schools to have internet filters

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to block pictures that are obscene, child pornography or are harmful to minors. He stated that these searches and images are blocked on school laptops per policy, which he tested, and should not be accessible via book media from the Media Center.

He closed by requesting the book be removed from the SLHS Media Center due to the graphic imagery described, indicating he would love to see the book replaced with other relevant resources for the LGBTQ+ community that offer other memoirs, stories and educational material that are age appropriate and avoid sexually explicit images. He would also like the Board to consider following the CIPA guidelines for online media consumption, applying these standards to visual images in books as well.

Ms. Nicles invited anyone from the audience who wished to speak on behalf of keeping the book in question in the HS Media Center to come forward one at a time for comment.

Jessie Sullivan, Nunica – provided she believes the debate is not about banning books but about building a better community for our children through community resilience. She provided her thoughts on how to build community resilience through the public schools and how it relates to the district's vision to meet the needs of the children, prepare them to build a world that does not exist and have pride in values of inclusion, achievement, citizenship and investment with additional support and resources for LGBTQ adolescents.

Jennifer Headley-Nordman, 320 Marks St., SL – thanked the Material Review Committee for their decision and felt they did the right thing for the kids. She stated the community at large has confidence in teachers, administrators and the current school board. She believes children need access to quality literature that talks about things of diversity, equity and inclusion, and students in the LBGQTQIA+ community deserve validation for who they are and deserve to feel safe in their school and community.

SLHS Student – thanked current Board members for looking out for and making decision for all kids in Spring Lake and not just those who fit into perfect mold that is deemed very popular. Student stated it is ridiculous to think books that students read or things they watch on tv can help determine their sexual orientation. Student is thrilled to have books in the library to represent people like themselves, to show that they are not alone, and to have knowledge of things they might not have known. Student stated they read the book and loved it because of the deeper story within it and that it helped student to understand themselves more and understand others around themselves.

Charity McMaster, 227 Prospect St., SL – stated the community and school have a strong commitment to diversity, equity and inclusion demonstrated in a variety of ways including insuring representation in inventory and equity in their practices and believes schools and their libraries should also have those ideals. She stated freedom to read stories about people of diverse sexual and gender identities validates and empowers all youth especially those who identify as LGBTQ. Without this, they can internalize negative message about the values of their own personal stories. Not every book is for every child, but every child deserves access to books that speak to their interests and experiences. She applauds the decision of Material Review Committee and encouraged protection of LGBTQ books and to respect all children's free expression rights and to trust children and their parents to decide which books they choose to read or not.

Jen Stucky, no address given, – asked to keep the book and believes the Board has lost the trust of the community, and that they should notify the parents and ask for consent for all sexually explicit books,

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gay or straight. She stated people parent differently and that parents should be given the respect to raise their own kid. She asked that notification be given to all parents for all sexually explicit books, gay or straight, and ask for consent.

Julie Benedict, SL Township, – thanked SL staff, teachers, administration and BOE for the dedication to the wellbeing of all students in the district. She believes book challenges impede free expression rights and these must be the foundation of the public schools in an open and inclusive society. She believes that *Gender Queer* is the peak of a slippery slope to banning a long list of books reflecting gender, race, civil rights, activism and equality. She stated children deserve to see themselves in books and deserve access to diversity of stories and perspectives that help them understand and navigate the world around them.

Angela Hyde, 15018 Greybitch Lane, SL – provided her personal family experience and that she has had many conversations about this book. She respects the fact that the committee recognized her daughter as valuable enough to keep the book because it represents a portion of the community. She admonished the disrespectful nature of the audience during the previous speakers' comments.

Julie Bratton, 217 N. Park St, SL – echoed what all the other speakers said about how representation matters and the statistics about young people who identify as gay, bisexual or queer are horrific. She stated feeling yourself being loved and accepted in the community that you live in matters, and that those kids in the community need books like this to stay in the library.

Casey Lambert, Spring Lake – began to comment against the book, and Jennifer Nicles reminded her that she would have an opportunity to speak during public comment, and that this opportunity for comment is for those who wished to speak in support of the book.

SLHS Student – provided that the SL library and school are important to her, and that she has lots of friends that are part of the LGBTQ+ community. She stated having representation of the real world is very important in high school and that it helps prepare them for what they will see in college. She stated that suppressing it from students is not the way to do it, especially the LGBTQ+ community, and thinks it is important that there is representation in the libraries.

Karen Obits, 740 Winter St., SL – stated she read the book because she knew there was controversy. She read it as a human theme and provided her thoughts of what came to mind from her past and her experiences growing up. She endorsed the decision to keep this book in the library.

Jennifer Nicles opened up discussion for the Board and, after an outburst from an audience member, she reminded everyone of the process stated at the beginning of the meeting for the book appeal and comments, and noted that public comments will follow this appeal.

Mr. Furton reminded the audience that anyone could have filed an appeal but that only one person has done so. He reiterated that public comment will be available to them and warned if disruptions continue, disrupters will be removed and the meeting will be stopped.

Jennifer Nicles addressed the miscommunication and misinformation circulating on social media and that the decision to have the book *Gender Queer* in the HS Media Center was not voted on by the Board. She explained the process of how books are selected for the district's library collections. She

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noted that books are also available to be reviewed online by parents. She added that if a parent does not want their child to check out a specific book, all they need to do is contact the media specialist in their child's building.

Kathy Breen provided that in the district's media center there are multiple trusted nationally recognized resources that are utilized and that books included in the media center have been subjected to a thorough review. She stated there is a process in place for filing a complaint and requesting a review and the form is posted on the district's website. She provided the committee's process for the review of the book *Gender Queer*, and that while some of the committee members agreed that the images could be uncomfortable, they felt that the story and the message is relevant information for some of the district's students. She stated that the book is not required reading and parents/guardians can restrict access to certain books, the committee voted to keep this book in the collection. This is the solution that allows some parents to control what their children read without interfering with the rights of others to read what they choose. The complainant had 30 days in which to appeal, no appeal was made. She provided that SLPS has an LGBTQ population that is valued and supported, and in support, the committee elected to provide this particular book. She went on to say if we are to treat all individuals fairly, equitably and with dignity, then all concerns, all complaints regarding matters of this school district should be handled procedurally, in a respectful manner with consideration of the privacy and worth of the individuals that may be impacted.

Katie Piggott provided that she served on the committee and came to an understanding and appreciation on how important it is that parents maintain the option of being able to restrict certain books from their children. She noted that this book is not part of an assigned curriculum but is optional material. She stated that the committee was tasked with understanding the book as a whole. She described messages she received from parents and also stated that students need books like these like they need oxygen. She believes parents cannot make the decision for other parents as parents have the right to decide for their own children if it is appropriate.

Chris Beck provided that he talked to many people before this meeting on the subject, and that, for him, it comes down to book banning. He stated he disagrees with that concept and it could cause a slippery slope. He stated this country values the ability to speak and the ability to be heard, and if we ban one book, where do we stop. He stated that with the policy created, parents have the ability to block the book and believes that accomplishes the goal. He stated that the visual graphics of the book are difficult for him and he would not feel comfortable having children accidentally see those images. Even though he is opposed to banning books, he said it comes down to the visual graphics of the book and he struggles with that in his decision.

Jennifer Nicles said she shared similar views as Mr. Beck. She said the pictures were uncomfortable to view and understands the concern of the pictures. However, the book itself does tell a story and believes there is a lot of good in the story.

Curt Theune said he could second what Ms. Nicles and Mr. Beck said, and that due to the explicit and graphic nature of the pictures in the book, he would not want his children to see it.

Bruce Callen stated that there are policies and procedures in place that allow parents the responsibility and prerogative to follow those procedures and direct those protections for their own children's sake. He also said book banning is a slippery slope upon which he is not willing to step.

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Paul Aldridge stated that rather than repeating what has been said, he agrees with Board member comments, and that the committee's decision was made with the best interest of students in mind. He further stated that with this big distraction and disruption in the high school regarding this book, the Board also has to decide what to do to support the student body and that there may be more than one way to do that.

There was further discussion about the concern of going down the road of talking about other kinds of imagery that are upsetting to people such as violent images, not just sexual images, and the inconsistency that could arise – where and who draws the line, who gets to decide what is appropriate and what is not.

Mr. Beck outlined four options before the Board:

- Do nothing
- Pull it off the shelf and have it behind the desk
- Take it out of Media Center and put it in hands of professional staff
- Remove completely

Discussion amongst the board members commenced regarding those options and creating a motion. There was additional concern not already mentioned above that placing the book in the counselors' offices alone, with or without parent approval, would limit access to the book and effectively remove it from the reach of students for practical purposes.

Chris Beck moved, seconded by Curt Theune, to remove the book *Gender Queer* from the HS Media Center and that it only be made available to students by high school counselors, social workers or school psychologists after obtaining consent of the student's parent or legal guardian.

Mr. Beck noted that friendly amendments under Roberts Rules would be considered. Ms. Nicles proposed an amendment to remove the parental consent requirement of the motion and Mr. Beck provided that because of the visually graphic nature of the book, he feels strongly that parent approval is necessary. He did not accept the amendment to the motion.

The motion was reread as stated above and a roll call vote taken.

ROLL CALL VOTE: Yes – Nicles, Theune, Beck and Aldridge
No – Breen, Callen and Pigott

Motion carries, 4/3.

PUBLIC COMMENTS

Ms. Nicles provided this is the first opportunity of two for public comments. In respect for everyone's time, she asked that public comments be kept to three minutes per person and one comment per person per meeting. A 30-minute time limit was set unless extended by the Board.

Lindsey Allard, no address provided, - asked for an email response to why when looking at the online catalog *Gender Queer* does not appear as an available book in the library and wondered how parents

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would know it existed and know to remove it or prevent their child from checking it out. Further, she stated there are plenty of other books that are available, not just *Gender Queer*, and wants to make sure everyone is fully aware of that. She stated this is not a gay issue but is about sexual, pornographic material in the public schools. She issued a warning that these books are only a symptom of the sick minds of the people who have put them there in the first place. She stated the Board has been entrusted with the safety and wellbeing of our children and every single one of them have violated our trust. She read from two others books currently in the high school library that contained sexual content. She stated the district's Policy 5517 regarding sexual harassment and claimed that the board is sexually harassing her children. (A 3-minute warning was given by Mr. Furton at this point.) She went on to quote another policy relating to a student seeking advice from an administrator regarding a personal problem related to a sexual behavior or mental health that the administrator may attempt to assist the student by facilitating contact with certified or licensed individuals within the district or community who specialize in the assessment, diagnosis or treatment of the student's stated problem and stated she believes it is not the administrator's job or responsibility, but that it is for the parent. She went on to call the Board sick individuals.

Ms. Allard was reminded several times that her time was up but she would not give up the microphone.

Due to the lack of order, Jennifer Nicles called for a recess at 8:52 p.m. The board reconvened at 8:57 p.m. and Ms. Nicles called for an adjournment.

ADJOURNMENT

Paul Aldridge moved, supported by Chris Beck, to adjourn the meeting.

Vote: Yes – Unanimous

Jennifer Nicles adjourned the meeting at 8:58 p.m.

APPROVED: _____
Date Board Secretary