

PINE PLAINS BOARD OF EDUCATION

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February 27, 2023

Dear Mr. Cavey:

Thank you for attending the February 15, 2023 meeting of the PPCSD Board of Education at Stissing Mountain Jr./Sr. High School and thank you for your continued interest in district matters. In response to the questions you asked during the open public comment period, the Board offers the following:

- 1. You suggested that the Board had not actually answered your questions about what it has reported to NYSED about the impacts of the State's mandates on learning loss and social-emotional wellness.**
 - a. Respectfully, the Board firmly disagrees with your assertion that it has not answered your questions on this matter. You have asked this question repeatedly over the past several months and the Board has repeatedly provided you with forthright and honest answers. You will find the Board's answers to this question summarized again below. Please know that this will be the last time we provide an answer for this question, unless and until there is any substantive change to what we have already stated.
 - i. The PPCSD BOE has not made any specific complaint or report to any official regarding the learning loss or social-emotional impact of remote instruction or mask mandates. None of us found the mandates and their associated impacts to be ideal. However, we believe they provided an appropriate means for schools to keep functioning as best they could during an unprecedented public health crisis.
 - ii. The PPCSD BOE has a number of local, state and federal officials and groups to whom it can address concerns, lobby and advocate to on behalf of particular causes, etc. All of these individuals and groups are available to anyone wishing to express concerns, appreciation, etc. The Board encourages people to actively engage with their elected representatives and officials to share their thoughts on policies and practices.
 - iii. People will study and analyze the response to the pandemic for years to come. We look forward to any insights and recommendations such studies will provide. Currently, the PPCSD BOE is less concerned with analyzing the mandates and their impacts and more concerned with the ways in which the District may directly assist our students academically, socially and emotionally as we emerge from the pandemic. To be sure, the Board is as interested as everyone else about addressing the academic and social-emotional hardships brought about by the pandemic. Those losses can be remedied over time, but loss of life cannot. When placed in that context--the risk of learning loss and emotional distress versus the risk of loss of life--we are confident that the District acted appropriately to do the best it could by all parties during the pandemic. Frankly, we were grateful to have the mandates, which challenged all districts similarly.
- 2. You clarified that you were not interested in "witnessing firsthand the activities of a locker room," but wondered if they Board was aware of the layout "since we are getting into a world where there's confusion about identities and boys can be girls and girls can be boys." You also asked "if there was a mandate or law that the Board would push back on? For instance, would the Board tolerate being fined for not complying with the mandate to have all bus fleets fully electric by 2035?"**
 - a. As mentioned in our previous response, the Board is aware that there are several private changing areas with curtains in the locker rooms. Regarding your concern about the layout of the boys locker room, the Board contends that we are not "getting into a world where there is confusion over identify

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and where boys can be girls and girls can be boys.” Rather, the “world that we are getting into” is one that is accepting of gender identities that challenge the prevailing norms as gay, lesbian, transgender, bi-sexual and associated identities have been present throughout recorded history. This is likely to challenge essentialists--those who believe gender is fixed at birth—as they wrestle to expand their current and/or long held beliefs about what constitutes gender. The Board acknowledges that people are entitled to their beliefs and that some may not yet be able to expand their thinking about gender to accept or include gay, lesbian, non-binary, transgendered and questioning individuals. The Board also feels strongly that people should be treated fairly and equitably and that providing private changing facilities and restroom stalls for people to use according to their gender identity is an appropriate, prudent, and equitable response. As previously stated, all NYS schools are required to make such provisions under DASA, Title IX, and the Equal Protection Clauses of the United States Constitution and New York State Constitution. The Board seeks to provide an equitable and safe environment for all members of the school district. To date, we have not learned of any negative incidents associated with facility usage according to gender identity.

- b. The PPCSD BOE members each took an oath to uphold the Constitution and laws of the State of New York and The United States of America. We saw no reason to disregard that oath during the pandemic and we see no reason to disregard it to prevent people to safely change or use the bathroom according to the gender that they identify with. There may come a day when some or all of us feel compelled to challenge or ignore a local, state or federal mandate, but neither of these situations generated such a response from the Board. You observed correctly that the Board is considering challenging the mandate to have all electric bus fleets by 2035. The electric bus mandate differs significantly from those issued during the pandemic and about gender identity. Regarding the E-bus mandate, it may not be physically possible to abide by that mandate without significant improvements to current technology. That is a critical distinction—the Board is not opposed to the mandate, but it simply may not be possible to abide by it. In the absence of technological advancements to extend battery range, it may be necessary for us to lobby state officials and SED to allow hybrid busses in remote districts covering large geographical areas. By contrast, we are able to modify our current facilities to accommodate use according to gender identity without causing harm to others. Additionally, we were also able to switch to remote instruction and wear masks during the pandemic.

3. You asked the Board whether it was the goal to “ensure equally high outcomes for all participants.” You indicated that providing equitable access is something you could support but “ensuring equitable outcomes” may not be possible without “lowering or raising the bar.”

- a. Thank you for raising this question. While we are sure that all educators would like to be able to “ensure equally high outcomes” for all students, it may not be possible to achieve that in every aspect of education. However, the Board is committed to discovering and interrupting inequitable practices, examining biases, and creating an inclusive multicultural school environment where all are welcomed and treated equally and challenged to cultivate their gifts, talents and interests.
- b. You have mentioned that your father once told you “life is not fair.” That is true: there are certain aspects of life that are not fair. Some people are born with special physical, mental/cognitive, emotional or other challenges through no fault of theirs or their parents. Society’s response--especially as regards public institutions--can and should be fair and equitable. All aspects of public education should aspire to being equitable, inclusive, and accessible.

Best Regards,

Joe Kiernan

On behalf of the PPCSD Board of Education.