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Senate of Pennsylvania

June 16, 2022

Dr. John Sanville
Superintendent, Unionville-Chadds Ford School District
740 Unionville Road
Kennett Square, PA 19348

Jeff Hellrung
School Board President, Unionville-Chadds Ford School District
740 Unionville Road
Kennett Square, PA 19348

Dear Dr. Sanville & Mr. Hellrung,

As Chairman of the Pennsylvania Senate Education Committee, I believe that it is incumbent upon our educational institutions at all levels to operate with transparency, responsiveness and trust. While that has always been the case, the circumstances of the more than two years elected officials have been tasked with navigating the global pandemic has certainly emphasized the importance of these principles. All pandemic-related decisions are worthy of close examination, if only to ensure that any mistakes that were made are never again repeated, especially mistakes involving the physical, mental and educational well-being of our students.

It is due to those principles, and an overarching concern for the well-being of our students, that I forward to you concerns raised with my office by Mr. Charles T. Williams, III, Esquire, a parent of students in the Unionville-Chadds Ford School District (UCFSD).^[1] Mr. Williams has indicated that he repeatedly raised the issues below with the UCFSD, in some cases for more than a year, but to date has not received a detailed written response to any of these issues from any UCFSD representative, including its solicitor. In particular, Mr. Williams has raised the following concerns:

1. Mr. Williams indicated that he demanded that the UCFSD provide a detailed written statement setting forth the UCFSD's legal authority to enforce its pandemic-related policies against his children. If Mr. Williams demanded that the UCFSD provide him with a written statement from the UCFSD's solicitor setting forth the source of the district's legal authority to enforce its pandemic related policies against the will of parents (specifically, its failure to provide in-person schooling and its mandatory masking of children), on the basis that such policies are not enforceable under Pennsylvania law, did the UCFSD provide Mr. Williams with a clear and unambiguous written statement concerning the source

^[1] Unless the context otherwise requires, the term UCFSD as used in this letter includes, but is not limited to, the Unionville Chadds-Ford School District, its Superintendent, administrators, employees, school board members, legal counsel and any other agent(s) thereof.

of its legal authority to enforce such policies, particularly in light of the Pennsylvania Supreme Court's holding in *Corman v. Beam*? If so, please provide copies of all such communications directly responding to the good faith challenges advanced by Mr. Williams, as well as the UCFSD's clear and unambiguous written statement(s) setting forth the express source of its legal authority to enforce its pandemic-related policies against the will of parents. Please confirm whether the UCFSD sought and obtained written memoranda or legal opinion(s) from its solicitor in response to Mr. Williams' demands, and if so, please provide copies of any and all such memoranda and/or legal opinion(s) so obtained. In addition, if the UCFSD (directly or indirectly) sought or obtained any guidance or direction from any Executive Branch agency of the Commonwealth of Pennsylvania, from the Office of the Attorney General of the Commonwealth of Pennsylvania, from any third party advocacy organization or from any other third party concerning either the specific legal challenges made by Mr. Williams, or generally concerning the enforceability of any of its pandemic related policies, please provide copies of any and all such communications, guidance, directives or orders provided to the UCFSD. If the UCFSD withheld any such information from Mr. Williams, please provide an explanation setting forth the UCFSD's legal basis for refusing to respond to a parent making a demand for, and for its refusal to provide such a parent with, a detailed written statement concerning the source of the UCFSD's legal authority to enforce any policy in response to a good faith challenge by such a parent as to the enforceability of any such policy against such parent's will, particularly in a case where (as here) that parent alleged that the enforcement of such policies was causing actual physical and/or emotional harm to children.

2. If the UCFSD received any such demands from Mr. Williams, but did not seek or obtain a written legal memorandum or opinion directly addressing the legal challenges advanced by Mr. Williams, please provide a detailed explanation as to why the UCFSD failed to seek or obtain a legal opinion concerning such good faith challenges to its legal authority to enforce its pandemic-related policies in response to Mr. Williams' demands. If the UCFSD believes that it can enforce policies against the will of parents without providing a detailed written statement as to the source of its legal authority to enforce such policies, even when a parent alleges that the district lacks the legal authority to enforce those policies, and that such policies are causing actual physical and/or psychological harm to children, please provide a written explanation setting forth the source of legal authority for the UCFSD's belief that it may ignore such good faith demands to provide a detailed written statement setting forth its legal authority to enforce such policies.

3. Mr. Williams has also indicated that, in May 2021, the Unionville school board unanimously adopted amendments to UCFSD Policy 203 (Immunizations and Communicable Diseases), which amendments purport to give the UCFSD unfettered authority to require parents and children to follow "local guidance and orders," school board policies and the UCFSD's self-authored "Health and Safety Plan," but that the UCFSD has refused to provide a written statement setting forth the express source of its legal authority for such amendments. During a March 2021 school board meeting, a school board member stated that such amendments were directed to the UCFSD by "the State" and were necessary for "legal liability reasons." Mr. Williams has indicated that he has directly objected to the UCFSD's enforcement of Policy 203 in its current form and has demanded a detailed written statement setting forth, among other things, the UCFSD's legal authority to enforce Policy 203 in its amended form. Please indicate whether the

UCFSD provided a detailed written statement concerning its legal authority to enforce Policy 203 in its amended form. In addition, please identify the representative(s) from "the State" to whom the school board member referred at the March 2021 public meeting, and please identify and provide any and all communications or direction from any individual(s) acting on behalf of any third-party advocacy organization that may have encouraged, directed or otherwise encouraged the UCFSD to adopt the May 2021 amendments to Policy 203, and the reasons and legal support for those recommendations. Regardless of the source of the amendments to Policy 203, please provide a detailed statement concerning the purported source of the UCFSD's legal authority to adopt and enforce the May 2021 amendments to Policy 203, and the nature of the "legal liability" such amendments are intended to address. Please indicate whether Policy 203 remains in effect in the form adopted in May 2021 and, if so, please explain the purported source of the UCFSD's legal authority to enforce Policy 203 in its amended form. If the UCFSD responded in writing to challenges to the enforceability of Policy 203 advanced by Mr. Williams and/or other parents/taxpayers in the UCFSD, please provide copies of the UCFSD's response(s) to all such challenges. If the UCFSD has not responded to any such challenges to its legal authority to adopt and enforce Policy 203 in its current form, please explain the UCFSD's reasoning (and legal basis) for refusing to provide a detailed written response to any parent who objects to the enforcement of a school district policy on the grounds that such policy is not enforceable under applicable law.

4. Finally, Mr. Williams has indicated that he provided notice (perhaps as early as September 2020) that (a) the harm caused to children resulting from the UCFSD's enforcement of its pandemic-related policies meets the statutory definition of "child abuse" under the Pennsylvania Child Protective Services Law (*see, e.g.,* Mr. Williams' September 22, 2020 email to Dr. Sanville and Mr. Hellrung, forwarding a response to Mr. Williams' email to Chester County Health Director Jeanne Casner and the Chester County Commissioners, in which Mr. Williams provides notice of the "social, emotional, psychological and physical" harm to children and the duties of mandatory reporters in response to such harm), (b) that "mandatory reporters" in the UCFSD have a duty to report such harm pursuant to the CPSL (*see, e.g.,* the email correspondence noted above), and (c) that the UCFSD has received multiple reports of harm to children meeting the statutory definition of "child abuse" under the CPSL. Mr. Williams, and several other parents of children in the UCFSD, have provided me with evidence of such reports, as well as evidence of reports that were made to the UCFSD at public meetings (*see, e.g.,* public comment at the February 14, 2022 UCFSD school board meeting), or that were obtained from the UCFSD pursuant to open records requests and were provided to me. Please provide the total number of reports of harm to children meeting the statutory definition of "child abuse" that were received or identified by any employee, school board member or other "mandatory reporter" in the UCFSD (either by email, text message, orally or otherwise) between March 2020 and March 2022, as such terms are defined under the Child Protective Services Law (CPSL), including, but not limited to, reports of restrictions of a child's breathing, reports of physical or psychological harm to a child (anxiety, anxiety attacks, depression, suicidal ideation, self-harm, etc.), and any incidents of alleged bullying or other behavior by any employee or staff member of the UCFSD in connection with the enforcement of UCFSD pandemic-related policies, in each case whether or not UCFSD (or any mandatory reporter therein) identified such reports of harm as meeting the statutory definition of "child abuse" at the time such harm was reported or discovered. In each case,

please indicate whether any mandatory reporter in the UCFSD reported such harm pursuant to the CPSL or, if such incident(s) were not reported by any mandatory reporter in accordance with the procedures set forth in the CPSL, please provide a detailed explanation setting forth the specific exclusion(s) under section 6304 of the CPSL upon which the UCFSD (or any mandatory reporter therein) relied in determining that either such harm did not meet the statutory definition of “child abuse,” or that such harm was not otherwise required to be reported pursuant to the express provisions of the CPSL. In addition, please indicate whether the UCFSD received legal or any other advice or direction from its solicitor or from any Executive Branch agency in the Commonwealth of Pennsylvania, from the Office of the Attorney General of the Commonwealth of Pennsylvania, from any third-party advocacy organization, or from any other third party, that harm to children alleged to have resulted from the enforcement of its pandemic-related policies, which harm otherwise meets the definition of “child abuse” under the CPSL, is excluded from such definition and/or from the reporting requirements under the CPSL. If the UCFSD has received any such advice, direction or guidance, please provide a detailed explanation of (a) the party(ies) that provided such advice to the UCFSD, (b) the date(s) such advice, direction or guidance was provided, (c) the express legal authority upon which any such party(ies) relied or cited in such advice, direction or guidance, and (d) the steps taken by the UCFSD to document, address and record any and all such reports of harm to children it received between March 2020 and March 2022, including, but not limited to, those cases that were expressly identified as being related in any way to the enforcement by the UCFSD of its pandemic-related policies.

Parents and legal guardians of our students have a renewed focus on the education of their children in the wake of the pandemic, and rightfully so. It is incumbent upon us to engage parents and students, to review practices and to answer tough questions, if only to prevent the hard work done by our educators and school administrators from being stained by an appearance of lack of transparency. In addition, included with this letter is the original memorandum sent to my office from Mr. Williams as well as his relevant citations.

I'd appreciate answers to these questions. Thank you for your timely response.

Sincerely,



Scott F. Martin
Pennsylvania State Senator, 13th Senatorial District