

SEPTEMBER 13, 2021, 7:00 P.M.
VIA VIDEO CONFERENCE

**MONTROSE AREA SCHOOL DISTRICT
BOARD OF DIRECTORS**

WORK SESSION MINUTES

(Visit our website at www.masd.info)

Mrs. Mary Homan
Board of Directors President

Mr. Christopher McComb
Superintendent of Schools

The Montrose Area School District Board of Directors Work Session was called to order by Mrs. Mary Homan, Board President at 7:09 p.m. via video conference. There were 92 attendees at this evening meeting.

ANNOUNCEMENT: An Executive Session was held at 9:00 PM on Thursday, September 9, 2021 for Legal Purposes

- I. **OPENING EXERCISES** – Led by Board President, Mary Homan
Mrs. Homan took a moment to thank all our teachers for their dedicated service to the district. She has talked to individuals in other school districts where they had several teachers retire or resign due to COVID reasons. She also welcomed and thanked all the new teachers that joined us this school year.
- II. **ROLL CALL** – Mrs. Connie Birchard, Board Secretary
PRESENT: Mr. John Wood, Mrs. Jennifer Strickland, Mrs. Gloria Smith, Mrs. Mary Homan, Mr. Richard Jordan, Mr. Douglas Wilcox, Miss Taylor Warner, Mrs. Gretchen Backer and Mr. Paul Adams
ABSENT: None
ADMINISTRATORS: Mr. Christopher McComb, Mr. Patrick Matthews, Ms. Christine Rosenkrans, Mr. Terrence Whalen, Mr. Eric Powers, Mr. Sean Castellani, Mrs. JoAnne McCain, Mrs. Michelle Lusk, Mr. Thomas Lonzinski and Mr. Craig Owens
- III. **PRESENTATIONS** - None
- IV. **ADMINISTRATORS' REPORTS – ALL ELECTRONICALLY SUBMITTED-** No comments or questions from members of the Board on the Administrators' Reports.
 - A. Terrence Whalen
 - B. Thomas Lonzinski
 - C. Craig Owens
 - D. Christine Rosenkrans
 - E. Michelle Lusk
 - F. Patrick Matthews
 - G. Greg Adams
 - H. Sean Castellani
 - I. Eric Powers
 - J. JoAnne McCain
- V. **DISCUSSION ITEMS**
 - A. Bridge Minerals – Mr. McComb
Mr. McComb received in the mail a letter from Bridge Minerals and they are actively purchasing oil and gas rights in Susquehanna County and would like to make an offer to purchase our 184.107 acres that the district owns. He just wanted to publicly announce that and find out what the Boards plans were and if they wanted to entertain that or if they wanted to continue to hold on to our mineral rights. The Board unanimously does not want to sell our oil and gas rights for a lump sum payment.
 - B. Pennsylvania INVEST Program – Mrs. Lusk
Mrs. Lusk explained that the PA INVEST Program that the district participates in was created by the Pennsylvania Treasury and it consists of different investment pools. The district is a member and has money invested with them for many years. Since the economy and the interest rates have been on a downward slide and in looking at the account, she did a quick analysis on the \$60,000 in this account and the interest rate is .01% and has only generated about \$10.00 per year for interest. She would like the Boards permission to move that money to our People's Security Bank and Trust money market account where the interest rate is .49% and would calculate around \$300.00 per year for interest. The Board agreed to move the money.

V. DISCUSSION ITEMS - continued

- C. Schoolwide Title I Plans – Ms. Rosenkrans
Mrs. Rosenkrans presented her annual review of our school wide Title I plan. This is based on our Title I funding that we receive through federal programs, in which we conduct an annual review of our school level programming and what is going well and hold meetings, including stakeholders to discuss target areas, based on data and what we are seeing. In essence, at Choconut Valley based on our data, the school wide plan will focus on math instruction and achievement and at Lathrop Street, it will focus on ELA. These plans help the district to identify focus areas that we want to improve as we go throughout the year. Because we are a school wide Title I school, meaning all students are considered Title I students, we must put that into a document and make sure everyone is aware of our target goals.
- D. Items from members of the Board of Directors - None

VI. REVIEW OF AGENDA ITEMS - Agenda items were displayed for public review.

VII. INFORMATION ITEMS

- A. Items from the members of Board of Directors – Mrs. Homan publicly read the following to all in attendance at tonight's meeting:

I would like to take this opportunity to update and possibly clarify events that have transpired over the last week. When the decision to mandate masks or not was our decision, we made masks optional. Some people liked that, others did not.

Following the secretary of health's mask mandate, the Board of Directors met with the Administrative Team to discuss what options we might have. After much careful deliberation and considering the recommendations from our Superintendent, we chose to interpret the order to allow for a parent or guardian to sign an exemption form to opt out of wearing a mask, even without a doctor's note.

Since that time, we have been contacted by numerous sources ranging from the State to PASA that we we're not allowed to interpret the order as we did. We are being told that we are now in violation of the mandate and there are severe consequences to these actions. All other districts not in compliance have been also notified. We have been warned that it is possible that our Superintendent could be removed and stripped of his Superintendent's letter. Legal action would be taken against the Board of Directors.

We also received the following...

1. Failure to implement and follow the control measures under the Order subjects each board member to the penalty provisions of the Disease Prevention and Control Law of 1955. A violation occurs each day that the Order is not enforced, and each board member may be charged a financial penalty for each student or staff member attending the school.
2. Failure to implement and follow the control measures under the Order exposes each board member to personal liability under 42 Pa.C.S. §8550 (relating to willful misconduct), as well as other remedies and actions as provided by law. PDE is serving notice to each board member that failure to comply with the mask order is a violation of law. A knowing violation may be used by a plaintiff to establish personal liability in a negligence action per 42 Pa.C.S. § 8550.
3. Each board member may face lawsuits from those who may be affected by noncompliance with the Order, including children who may become ill as a result of the district's violation, or disabled children who are unable to attend school because of the district's failure to follow the order.
4. Each board member may bear potential liability with no indemnification or protection.
5. School districts' liability insurers are exploring cancelling coverage as a result of those districts' possible illegal conduct and potential purposeful violations of law.

VII. INFORMATION ITEMS - continued

6. School districts' violations of law may negatively affect workers' compensation claims coverage and premium calculations.
7. Districts that do not comply with or elect to violate the law may be referred to the United States Department of Education's Office for Civil Rights for investigation. In particular, failure to comply with the Order may prevent immunocompromised and other susceptible students from attending class in violation of the IDEA, ADA, and Rehabilitation Act.

As of this last Thursday, the Board met with our district solicitor and insurance carrier to discuss the options. Our solicitor stated that allowing exemptions without a doctor note would be non-compliant to the mandate. He also stated that our sovereign immunity would not protect us as it normally would. Our insurance carrier told us that if the state or any individual were to sue us, they would not pay to defend us and that we would have to each hire our own attorneys for each lawsuit. This means that each member of the board would be personally liable and completely exposed to litigation. We were left with no choice but to reverse course.

In short, we are being forced by the State of Pennsylvania to comply with this mandate.


VIII. COMMITTEES

- A. Schedule meetings- no meetings were scheduled

IX. VISITORS' COMMENTS – Before we allowed visitors' comments, Mrs. Homan asked visitors' to please speak respectfully, as we respect their opinions, and we hope they respect ours. We asked that no one use foul language, as some employees in the district have been subject to that already this week and it will not be tolerated. Visitors were asked to keep that in mind before raising their hands to speak.

A four-hour masking debate transpired between parents and Board members. Parent, Tonia Oliver opened the floor with line item questions and addressed a couple points. She requested that the Board not vote on the revised Health and Safety Plan until after the upcoming litigation hearing. She was very adamant that the mask mandate is not enforceable. An abundance of other parents spoke and agreed with Mrs. Oliver's sentiments. The entire Board agrees that the fight should not be with the Board, it should be with the Governor's office in Harrisburg. Board member, Mr. Paul Adams exclaimed that the Governor created this problem, took the pin out of the grenade and threw it into our community and now we are fighting with each other over it and that is absolutely wrong. He announced that the Board will be voting on the Health and Safety Plan as it is written at the business meeting and they will not be putting their families at risk over this mandate as explained earlier this evening by Board President, Mrs. Mary Homan. Several pro-masking parents also spoke on the issue and would like to keep their kids and everyone else's kids safe. They support and understand the district's enforcement of the state's mask mandate and are in hopes that it might help the district maintain a healthier whole and keep their kids in school for in person instruction and have some sort of normalcy in sports and other extracurriculars. The Board respects and understands all sides of the debate and will keep the community informed with any updates.

X. ADJOURNMENT - A motion was made by Mr. Wood, seconded by Mrs. Backer to adjourn the work session at 11:12 PM.
ALL VOTING AYE



Connie Birchard, Board Secretary