

November 1, 2021

SCRANTON, PENNSYLVANIA 18503

The Scranton School Board of Directors held a regular board meeting on Monday, November 1, 2021 at 7:00pm prevailing time in the auditorium of Scranton High School, 63 Munchak Way, Scranton, PA 18508.

1. Call to Order

President Gilmartin called the meeting to order at 7:23pm.

2. Pledge of Allegiance

3. Roll Call - By the Secretary.

Present: Directors Cruz, Dempsey, Fox, Hume, Malloy, McAndrew, Yanni and President Gilmartin.

Absent: Director Welby.

4. Motion to Approve Agenda

A motion to approve the agenda was made by Director Malloy, seconded by Director Cruz; motion duly passed 8-0.

5. Communications to the Board-Executive Sessions were held on October 25, 2021, October 29, 2021, October 31, 2021 and this evening to discuss personnel, negotiations, real estate and litigation.

6. Solicitor's Report - Attorney John Audi

Mr. Audi reported that there's been a strike called by the Scranton Federation of Teachers and there have been some questions about whether or not compensation should be upheld during the strike, in particular, the question is whether or not there should be health benefits ceased during the strike. Mr. Audi pointed out that under Act 195, 43 P.S. § 1101.1006 states compensation during strike "no public employee shall be entitled to pay or compensation from the public employer for the period engaged in any strike." Mr. Audi said the question then becomes whether or not health benefits is considered a compensation; he has forwarded to the board a number of Commonwealth court cases which state specifically that the payments clearly constitute, and he is quoting, a part of the total pay package of the employees. Mr. Audi continued that they believe that they are compensation as that term is used in Section 1006. Further, there are a number of cases that support that and finally a PLRB decision which states very clearly that therefore the strike was statutorily obligated under Section 1006 to cease all compensation including healthcare benefits for the duration of the strike.

At this time the crowd became unruly and President Gilmartin asked for order.

Mr. Audi concluded by noting that he says all of that so the board and community understands the decision that's been made to withhold health benefits and compensation during the term of strike.

Director McAndrew understands and appreciates what Mr. Audi read but asked why, when there are strikes at other school districts why don't they take away their healthcare. Mr. McAndrew said he believes, and he could be mistaken, he believes when Abington went on strike, when Mr. Audi was their solicitor, they didn't take away their healthcare.

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Mr. Audi responded that the Scranton School District has been under strict scrutiny with the law and would think it would make sense for us to follow the law that specifically set forth that he just read or should they ignore it and have someone from the community sue them.

Mr. McAndrew said he was just wondering why other districts don't do it.

Mr. Audi said that would be the reason that we did it so we are following the law here and that we can't be dragged into court that we did not follow the law.

Mr. McAndrew thanked Mr. Audi; Mr. Audi thanked Mr. McAndrew for his question.

7. Superintendent's Report - Mrs. Melissa McTiernan

Mrs. McTiernan announced, regarding the fight against Covid-19, since the beginning of its partnership with Hometown Health Care of NEPA, the Scranton School District has been setting records for school-based immunizations. Over the past 10 months, 3,181 vaccines have been administered at district sponsored events. 2,406 of these vaccinations were for Covid-19. Together Scranton School District and Hometown Health Care have immunized community members, staff and eligible students. This week the CDC will approve the Covid-19 vaccine for elementary age children. Scranton School District is sponsoring one of the first vaccine events in the area for pediatric Pfizer vaccines this Friday at Scranton High School. All children aged 5 years and older are eligible. Just like past events vaccinations will be provided without cost to the recipient including those who are uninsured. Scranton School District continues to put the health and safety of its students at the forefront of its mission. Mrs. McTiernan thanked Hometown Health Care of NEPA.

Mrs. McTiernan responded to some questions pertaining to the impending strike and she would like to answer publicly. Mrs. McTiernan addressed the following:

The first day of the strike is November 3rd; there will be no school for students during the strike. School would not begin until the strike ends. Regardless of when school restarts after a strike, our students will receive 180 days of instruction. School closures caused by a strike are similar to weather related closures and days must be made up. The district will revise and distribute a new school calendar as soon as possible after the strike ends.

Graduation: Depending on the duration of the strike the date of the graduation ceremony may need to change. The school and district will notify families as soon as possible after the strike if a change is needed. The change will also appear on the revised calendar.

Child Care during the strike: The district will post a list of day cares and community based organizations that may provide some options for parents.

Registration: The district Administration Building will remain open during a strike and parents may still register students to any of our district schools at the Administration Building located at 425 N. Washington Avenue in Scranton.

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Cyber Academy: The Cyber Academy teachers are members of the Scranton Federation of Teachers. This will suspend the operations of the Cyber Academy during the strike.

Special Education: Special Education will not be held in the district. If a student attends a Special Education program outside of the district they should attend their out of district school as they would any other day. No home bound or in-home instruction will be provided.

CTC and Center for Independent Living: Scranton School District students that attend both of these programs will attend those programs daily.

Breakfast & Lunch Program: Students will have access to breakfast and lunch at no cost through the extension of the summer food service program. Food will be distributed at Whittier Elementary, Kennedy Elementary, Armstrong Elementary, Prescott Elementary, Tripp Elementary, West Scranton Intermediate School and Scranton High School. This week food will be distributed on Wednesday, November 3rd from 11:00am to 1:00pm. Following this week, distribution will take place from 11am-1pm every Tuesday and Thursday until students return to school. On Tuesdays students can receive two days of breakfast and two days of lunch. Each Thursday students can receive three days of breakfast and three days of lunch.

Mrs. McTiernan now announced that she received information regarding a FAQ that was on PDEs FAQ that she'd like to share because she was asked this question regarding ESSER funds and she'd like to say this publicly. The question asked – may ESSER funds be used to pay school employee bonuses, back pay, or additional compensation where such or liabilities do not prevent, result from, prepare for, nor respond to the Covid-19 pandemic. The answer on PDE website – the use of ESSER funds including ARP ESSER funds must be directly related to pandemic driven needs as the overarching purpose of ESSER I, ESSER II, and ARP ESSER funds are to prevent, prepare for, and respond to the Covid-19 pandemic. Payments such as those described above are not permissible uses of ESSER funds.

Mrs. McTiernan concluded that she appreciates everything paraprofessionals and teachers do. The Scranton School District, Chief Recovery Officer, district administration and school board remain committed to settling a contract that is fair, affordable and sustainable with both our teachers and paraprofessionals and we are eager and ready to continue negotiating to settle both contracts.

8. Report from Student Representatives

Jeannie Rafferty, Scranton High School, said that when she first took this position one of the first things she wanted was to focus on the positive activities that come out of the district. Each month so many positive and exciting activities happen that go nearly unnoticed. During the month of October Scranton Show Choir won a high school choir contest held by Rock 107. They were awarded the opportunity to be featured at the concert of the rock band Foreigner which was held at the FM Kirby Center. The group submitted a rendition of the hit song "I Want to Know What Love Is" which later the choir heard back that they had won the contest. On Friday October 22nd the choir performed their ballad for the crowd right before Foreigner took the stage.

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In other news West Scranton Intermediate students are currently working on Patriot's Pens essays. This essay contest encourages young minds to examine America's history along with their own experiences in modern society by drafting a 300-400 word essay expressing their views based on the patriotic theme chosen. This year's theme is How Can I Be a Good American.

With so many great things happening with our students Jeannie looks forward to bringing many updates to next month's meeting.

Tyler Michel, West Scranton High School, reported that Community Service is very important and it does not only benefit the community but it benefits the students who participate. The Community Service Club has a mission to benefit both West Scranton and greater Scranton communities through volunteering its time and its talents to charitable causes. The goal of this club is to inspire students to productive, lifelong community service leaders by encouraging a commitment to civic participation. Some events the Community Service Club participates in are volunteering at the Lackawanna Heritage River Trail cleanup, the bonfire at The Furnaces and the Friends of the Poor Thanksgiving Dinner. Another club that helps not only the West Scranton community but also the greater Scranton community is the Red Cross Club. There are many different ways people can save lives and one way students can save lives is by joining the Red Cross Club. The mission of the Red Cross Club is to prevent and to alleviate human suffering in the face of emergencies by mobilizing the power of volunteers in the generosity of donors. The West Scranton Red Cross Club teaches students humanitarian values through mission related service projects. Some activities the Red Cross Club participates in are honoring the military through Veterans Day messages sent to current and past military members. The club has collected and sent over 100 items for U.S. soldiers serving in Afghanistan, sending them to a unit of a recent West Scranton graduate. The club also conducted two blood drives each year which consistently exceed blood unit goals and on average saves 120 lives per blood drive.

At this time Tyler announced that the 7th and 8th grade girls' basketball team has finished its season adding the team played hard and had a great time. West Intermediate also had their first Start with Hello week at the end of September in which over \$600 was raised that was donated to Sandy Hook Promise Foundation.

Tyler said it is great to see all of the events happening in the Scranton School District and he is happy to share them.

9. PSBA Report - Director Michelle Dempsey

9.01 PSBA Report [PSBA Report - November 2021](#)

10. Public Comment

Paul Mellen, taxpayer, retired teacher from Scranton and grandparent, spoke of \$57 million dollars received for the pandemic, the district still receiving Pre-K funding, where is that money, increased taxes with major cuts of services and closing schools, students excel in the Arts and said the teachers deserve their raise and a fair contract.

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Patricia Carr, teacher, spoke of Ms. Gilmartin's recent Op-Ed in the newspaper and the loss of health insurance during the strike.

Jim Connors, former Mayor, taxpayer, retired teacher and former Title I Administrator, encouraged teachers to stay strong and not to lose their courage. Mr. Connors also spoke of the loss of Pre-School and would like a reason why that program was cancelled, asked who is in charge, some people making a lot of money and others not able to pay their bills. Mr. Connors asked what their intention is for the rest of the schools.

As Mr. Connors time was up, Ms. Gilmartin respectfully asked Mr. Connors to wrap up to give others their fair time. The crowd became unruly and Solicitor Audi asked for order in the room.

Susan Blum Connors, retired Scranton teacher, said it used to be prestigious to teach in Scranton but unfortunately that is no longer the case. Mrs. Connors spoke of her experience in the district and closing schools, said if the plan is to close schools they need to be told and if they intend to building large elementary schools they need to tell them. Mrs. Connors read a letter to the Editor that she submitted in March of 2019 regarding the district's financial difficulties and the teachers' responsibilities. Mrs. Connors thinks taking away health insurance is outrageous and just because it's the law doesn't make it right.

Breeda Cronin Holmes, teacher, resident and parent of Scranton students, spoke of the cut in health insurance to teachers and their families, Ms. Gilmartin's Op-Ed in Sunday's newspaper, high deductibles, spoke of the board and administrators who are disconnected and don't understand people who are living beneath the poverty line, the Op-Ed was insulting and Dr. Finan's \$200,000 salary to dismantle Scranton schools.

Amanda Fuerstenberg, parent of new students in the Scranton School District, spoke of how much her children love their teachers in Scranton, all teacher's responsibilities to care for so many kids, virtual learning, social distancing, teachers responding to her emails after hours and dysfunctional administrators.

Ami Petrewski, graduate of Scranton and parent of Scranton High students, said she hopes they will allow the students to participate in their activities during the strike, said the situation the district is in is not the student's or teacher's fault, seniors will not have the opportunity to finish their season, the activities the kids participate in mean the world to them, they love their teachers, and her kids are also products of Scranton's Pre-School program where they had Miss Jody from Prescott who taught them to play nice together.

Donna Zaleski, teacher, taxpayer and parent, spoke of her contracting Covid as well as other teachers, missing eleven days and asked the district to do something about using Covid days instead of their sick days, spoke of the importance of listening and the number of students in a classroom during a pandemic.

Paxton Hartman, South Intermediate student spoke of how the students deserve a quality education and the responsibility of the school district. Ms. Hartman also spoke of the district's mismanagement of money and that the teachers deserve a raise and contract.

Pat Festa, teacher and SFT members, spoke of the outrage of teachers and their outrage towards the board and administrators. Mr. Festa spoke of cutting healthcare benefits amid a pandemic which is heartless and mentioned a colleague is scheduled for cancer surgery next week without health insurance which is cruel and heartless, and the recovery plan was authored by an out-of-towner, Dr. Finan, it's a scam, it has done nothing for the kids and left teachers and paras frozen in time for five years.

Laura Lantka, teacher, spoke of teacher's raises, the salary schedule she agreed to work under 18 years ago, she is frozen on step 13 in her 18th year of teaching, the money she is still owed, the money that has been offered to her, and the district's best and final offer which will only give her roughly 8% of her retroactive pay while the district stands to keep the remaining 92% of her earned money. Ms. Lantka said the action of the strike is being forced upon them by adults who try to bully their way to a deal by cutting health insurance and also spoke of the highest amount of money a paraprofessional can make in the district and the administrators raises when supposedly there's no money. Ms. Lantka said the teachers are overworked, underpaid, undervalued and exhausted and they have been patient for 5 years.

Jenn Telesco, taxpayer, teacher, parent and SFT member, thanked former Mayor Connors for standing up for the teachers tonight, spoke of why she stays in Scranton and the only reason why is because of the teachers and paraprofessionals in Scranton, she knows how hard they work. Ms. Telesco also spoke of the elimination of programs, closing schools the furlough of teachers and paraprofessionals and thanked the teachers for speaking up for those who do not have a voice.

Rosemary Boland, SFT President, spoke about the board's interest in the union, the teacher shortage in Scranton, cuts in duty periods in middle school, the responsibility of board members is to protect the health, safety and welfare of every child in the district, children are running amok in the schools disrupting classes, terrorizing 10 year old 5th graders who do not belong in those middle schools. Ms. Boland also spoke of a 6 year old being lost on his way home from school and she accused administration of negligent supervision. Ms. Boland spoke of cutting health insurance during a strike and asked why when it wasn't cut in Lake Lehman or Old Forge and now there is a teacher in the hospital who will not have health insurance. Ms. Boland shouted "Shame on You" several times during her speech.

Suzanne Gallo, teacher, spoke about why teachers are outraged and they are outraged over cutting healthcare during a pandemic, cuts in libraries, cuts in maintenance, cuts in clerical, cuts in the music program and the dissemination of the bands at Scranton High and West High, the reduction of graduation credits, reduction in Social Studies and Math, cuts in Family and Consumer Sciences and Industrial Arts, closed buildings during a pandemic, overcrowded classrooms, cuts in 3 and 4 year old pre-school, mold and asbestos, moving 5th grade to middle school, creating administrative positions and giving raises but the teachers haven't received anything and the mass exodus of teachers and other districts benefitting from Scranton teachers.

Kelly Butler, taxpayer, teacher and SFT member, noted that she is currently on the bump step and is under her husband's health insurance who works at a district 20 miles away and he does

not pay for his Blue Cross/Blue Shield plan, he gets paid for his coverages, he is reimbursed for taking nine college credits a year and moves up the pay scale for doing so, and the starting salary there is \$55,000. Mrs. Butler said if the board truly cares about its students they wouldn't have eliminated librarians, paraprofessionals, and guidance counselors at the elementary level, decimated Related Arts at the middle school level, lowered graduation requirements, eliminated pre-school, closed neighborhood schools and eliminated bussing. Mrs. Butler gave kudos to the students who taught themselves how to play an instrument and the parents that have spent their own money on private lessons. Mrs. Butler spoke of special education teachers being moved, maxing out classrooms, loss of special education paraprofessional positions and that students have less support than ever. Mrs. Butler said they say they have no money but they have money for historical corrections, the solicitor's hefty salary, and wasted money on Frontline, upgrades to Memorial Stadium and West Intermediate and creating a STEMM program. Mrs. Butler said teachers only want what they are owed.

Amy Sheridan Lloyd, taxpayer, teacher, SFT member and parent, has been teaching for 25 years; 21 of those years as a librarian until she was told she was no longer academically necessary. She was also diagnosed with Multiple Sclerosis in 2007, has an infusion once a month and was told by her doctor in New York City that he doesn't take ELAP. She wants her healthcare back.

Dawn Hafner, taxpayer, parent, SFT member and teacher, spoke of safety issues at South Intermediate, she is outraged the board continues to mislead the public and parents that everything is fine, she is outraged about the lack of supervision in halls and stairways since the duties have been eliminated, stairways is where fights start, students cannot walk home without being jumped by 15 other students, outraged over the water situation and the amount of money that the bottles and plastic cups is costing the district, outraged over the students carrying backpacks that one cannot see through, students not following policy, and outraged that the speakers and phones are still not working or cease to exist.

Jane Alesia, homeowner, business owner, taxpayer, former substitute teacher and parent, spoke of the conditions of buildings especially the auditorium at Northeast that is closed for ceiling damage and hasn't been fixed since a contractor assessed the damage in the summer and it is now November. The principal has sent several emails asking for a plan, receives no response, Ms. Alesia is asking board members what is the status and when is it getting fixed. Ms. Alesia also spoke of the wonderful teachers and urged the board to sit down with teachers and give them a fair contract.

Kathleen Beckwith, resident, taxpayer, parent, SFT member, is outraged at the misleading information and half truths publicized by this board and the negative effects of proposed changes. Ms. Beckwith spoke of teaching a 6th period would be a loss of 82 teachers that we can't afford to lose and would result in larger class sizes, less individualized attention from teachers, and a more disruptive environment. Ms. Beckwith spoke of the proposal that would eliminate prep periods when this is the only time to prepare for lessons, communicate with parents, talk with administrator, collaborate with colleagues and use the restroom. Ms. Beckwith also spoke of the serious safety issue of losing duty periods which they will see the lack of teacher visibility, very little supervision in halls creating serious safety issues. Ms. Beckwith said no teacher wants to go on strike but they have no choice. Ms. Beckwith asked where is the

board's concern when they closed Bancroft and eliminated preschool, where is their concern for students and families, they should be outraged by the cuts of the so-called recovery plan and asking how does that benefit the students of this district.

Jonathan Nasko, student at West Scranton High School, President of Marching Invaders, spoke of how the students are hurt and losing due to cuts in music, arts, libraries, a lot has been taken from kids, music may be their only escape, and a petition he came to the board with on January 23, 2019. Mr. Nasko quoted some statements made to the newspaper but nothing has been done.

Michelle Borthwick, taxpayer, teacher and parent, spoke of the privilege she has of teaching 7th grade English. Mrs. Borthwick also spoke of student programs being decimated and no opportunity to take band, strings, chorus, French, German, computers, wood shop, health, swimming, library and planetarium classes. Mrs. Borthwick said teaching well requires creativity, careful planning, timely feedback, thoughtful reflection, communication, collaboration and compassion and these things take time; time which the middle school teachers no longer have as their time is cut short covering for classes without substitutes multiple times per week and having a 6th period and unpaid coverage proposed in the contract only exacerbates this problem. Mrs. Borthwick said she has watched Central Administration and school directors treat teachers dismissively and disrespectfully and she sees the only logical solution to the problems she routinely faces is to leave this district and that breaks her heart because she loves her students. But she does not love working in a district that continues to take opportunities away from students or where every level of staff member from teacher to parents to clerical staff to building principal struggle to keep their heads above water because staff has been cut. She does not love working in an environment that throws initiatives at teachers without careful thought and without providing adequate training or time to learn and implement those initiatives. She does not love working in a district so toxic the hatred towards teachers coming from this group of people is palpable. Mrs. Borthwick doesn't deny the Scranton School District faces hard times but even in hard times good leaders provide support and work to correct toxic work environments and build trust; none of this is happening at the Scranton School District, teachers are not listened to or respected or valued in any meaningful way creating abysmally low morale.

Jason Boettger, teacher on salary step 14 which means he is owed more than \$80,000, spoke of failed negotiation sessions, the financial stability of his family and bonuses offered that are insults to his intelligence and expertise. Mr. Boettger spoke of suspending health insurance during a pandemic, blame being put on teachers, Covid relief money, administrative raises and historical corrections, and millions being spent on bleachers and renting sports fields. Mr. Boettger also said the public should know that teachers are not given health insurance; they pay for their quality health insurance. Mr. Boettger expressed that the district has no money yet administrators who are making six figures received increases when preschools were eliminated, library and music programs were taken away and school buildings were closed. Mr. Boettger said the recovery officer refuses to amend the recovery plan to include any of those savings along with the millions of additional state funding. Mr. Boettger said meeting after meeting the board voted with the recommendation of the Superintendent over the teachers when they are the ones in the classrooms and the needed resources of students and families shouldn't be ignored. Mr. Boettger said the board is listening to the wrong people, the wrong voices and this district needs problem solvers and if those in charge aren't getting it done then changes need to be made.

Christine Walker, resident, taxpayer and SFT member, spoke of the use of ESSER funds and this administration has touted how it is now able to purchase books; Math, ELA, Social Studies, elementary through high school, yet textbooks are a most basic and fundamental requirement of a school district. Ms. Walker said the ELA books are consumables so when the ESSER funds expire in three years how can the district sustain this purchase. Without these books the teachers have not stopped teaching while they wait year after year but instead they found their own materials and created their own lessons and collaborated with fellow teachers. They haven't had textbooks or the most basic supplies and a few years ago the district stopped providing planners for students, an item which was extremely helpful as a communication tool with parents and a way to help students stay and get organized. Without textbooks or basic supplies the district basically only provided a room. Ms. Walker spoke of most classrooms at South Intermediate are without working or audible PA speakers, many are still waiting for phones and she has an antiquated promethean board that is no longer supported and the pens no longer work. All issues have been reported in School Dude or to principals since last March and they are still not taken care of. Ms. Walker is reminded of what this district does not provide every time a new hire comes to the building and looks for supplies, materials or furniture when most other districts provide these essentials but to the student and teachers in Scranton they seem like a luxury. Ms. Walker is outraged that the few things this district does provide they are now threatening to take away, outraged that this board presents their teachers as greedy because middle school and high school teachers are fighting to keep that 6 period prep period that they so desperately need, outraged that the board wants teachers and paraprofessionals to be perceived as unreasonable because they wish to continue their current health care that the teachers pay for, outraged over what the students have lost and continue to lose under this recovery plan and outraged because of this board's actions it continues to lose its most valuable resources – it's teachers and paraprofessionals.

Holly Meade, teacher, heard a lot of anger tonight and said Mr. Audi, as an attorney, he knows the law is to be interpreted and asked if he is sure he is interpreting it correctly or did he twist it to fit his vendetta against the SFT and asked if the law different in Abington than Scranton. Mrs. Meade asked if revoking their health care was meant to break the union because it seems to have produced the opposite effect. Mrs. Meade said what this board needs to do is ask itself if it is ethical or moral to cut the healthcare when they have a phenomenal teacher like Amy Lloyd stand up here crying; that's shameful. Mrs. Meade urged one of the directors to make a motion under New Business to prevent cutting their healthcare. Mrs. Meade said Mr. Audi does not run this district and the board does not have to take his advice or Dr. Finan's advice. Mrs. Meade said they all want to settle this contract and they have proven that they don't always take Dr. Finan's advice and they don't always follow the recovery plan because they did not raise taxes even though the recovery plan states they are supposed to raise taxes each year while in recovery.

Gus Fahey, a community representative of the Financial Recovery Advisory Committee and advocate of neighborhood schools, is inspired by the teachers and said we all have to work together in order to solve this problem and he thinks the reason they're in recovery is because we had successive years where the expenses exceeded the income and when he is trying to advocate for neighborhood schools it's important to him what he suggests is grounded in that math. Mr.

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Fahey said there are tradeoffs that we have to make when we come to these difficult decisions and as for the teachers contract that they all want to see he thinks it is all of their responsibility to say how are we going to have a contract that fits within something that the recovery officer is going to accept. Mr. Fahey said if there is an interest in exiting recovery then they need to work together.

Jennifer Felter, addressed the teachers, expressed her love for the students and encouraged the teachers to stay strong, they will get through this. Ms. Felter spoke of kids being deprived of going to school, education is everything, kids dealing with trauma having no school psychologists, and told the board they don't care about the kids and they have no soul.

11. Motion to Approve Meeting Minutes of September 13, 2021, October 4, 2021 and October 25, 2021.

A motion to approve the meeting minutes was made by Director Cruz, seconded by Director Dempsey; motion passed unanimously on roll call.

12. Motion to Approve CONSENT AGENDA - One Roll Call to Approve Items. Please announce if any items(s) removed prior to vote.

A motion to approve the Consent Agenda was made by Director Malloy, seconded by Director Cruz; motion passed unanimously on roll call.

The Consent Agenda included the following:

12.01 {B-1} Approve Bill List [B-1 Bill List 11-1-21.pdf](#)

List of Bill Payments: \$511,831.60

ALSO

12.02 {B-2} Approve Exception Bill Lists [B-2 Bill List 11-1-21.pdf](#)

<u>Bill Payments</u>		<u>Payrolls</u>	
October 15, 2021	\$1,380,525.65	October 15, 2021	\$2,320,527.29
October 29, 2021	<u>\$ 352,211.31</u>	October 29, 2021	<u>\$2,365,162.17</u>
	\$1,732,736.96		\$4,685,689.46

ALSO

12.03 {B-3} Approve Repository Sales

The Lackawanna County Tax Claim Bureau has approved the following repository sales:

6 Plum Place – Map #14605-010-034 in the amount of \$1,817.25 to Rosalind Rosario and Norman Gonzalez

In accordance with the Real Estate Law any property not sold at Judicial Sale shall be listed in a Repository of Unsold Properties to be placed for bid and if sold will return to a tax paying status with the Tax Claim Bureau.

ALSO

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12.04 {B-4} Approve Delinquent Tax Report

Delinquent Tax Report for the month of September 2021 as collected by the Lackawanna County Tax Claim Bureau.

	\$288,964.48
Penalty	\$ 28,749.91
Interest	<u>\$ 39,318.56</u>
TOTAL	\$357,032.95
Commission	<u>\$(17,852.08)</u>
NET TO DISTRICT	\$339,180.87

ALSO

12.05 {B-5} Approve Budget Transfers

Approve Budget Transfers as attached. Approve the budget transfer requests in accordance with Board Policy 612.

ALSO

12.06 {B-6} Approve September 2021 Treasurer's Report

Treasurer's Report for the period ending September, 2021 as prepared by the Business Office and confirmed by First National Bank.

Opening Balance	\$37,817,867.70
Monthly Revenue	\$ 7,489,756.46
Transfers and Refunds	<u>\$ 79,623.45</u>
TOTAL AVAILABLE	\$45,387,247.61
TOTAL DISBURSEMENTS	<u>\$(9,385,287.57)</u>
BALANCE IN GENERAL ACCOUNT	\$36,001,960.04

ALSO

12.07 {B-7} Approve Disposal of Assets

Approve textbook and equipment disposals per the attached. [Asset Disposals 11-1-21.pdf](#)

ALSO

12.08 {B-8} Approve Capital Improvement Bill List

Approve Capital Projects Bill list attached. [Capital Bill List 11-1-21.pdf](#)

ALSO

12.09 {C-1} Approve Donations of School Supplies for 2nd Grade at Neil Armstrong from ERA One Source Realty

Accept donation of School Supplies for Neil Armstrong from ERA One Source Realty.

ALSO

12.10 {C-2} Approve Donation of KN95 Masks from Ethical Factor Rx

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Accept donation of KN95 Masks, several cases, from Ethical Factor Rx, 4213 Birney Ave., Moosic, PA.

ALSO

12.11 {C-3} Approve Donations from Weis Markets to Willard and West Intermediate
Accept donation \$400 from Weis Markets to Frances Willard for Weis 4 School Program and \$400 to West Intermediate for the School Wide Positive Behavior Program.

ALSO

12.12 {C-4} Approve Donations from Wal-Mart to Willard
Accept donation of leftover Back to School supplies from Walmart to Willard. \$350-\$400.

ALSO

12.13 {C-5} Approve Donation from PPL to West Scranton High School
Accept donation of Learning Kits from PPL to West Scranton High School valued at \$1000.

ALSO

12.14 {D-1} Approve Permission to Attend
Approval of staff attendance to conferences and meetings contingent upon the required approval of all supervisors, principals or administration.
[Permission to Attend and attachment 11-1-21.pdf](#)

ALSO

12.15 {D-2} Approve Children's Service Center Contract
Approve agreement with Children's Service Center for the 2021/2022 School Year as outlined in the attached. Financial Impact: Daily Educational Rate for the Partial Hospitalization Program: \$126.50 per day. Therapeutic Educational Program: \$167.00 per day.

ALSO

12.16 {E-1} Approve Scranton Sea Knights Use of Scranton High School Pool
Approve Scranton Sea Knights Aquatics Programs the use of the pool at Scranton High School for their Winter Youth Swim Season beginning on November 1, 2021 until Friday, March 4, 2022. Scranton Sea Knights Aquatics Program is classified as a CATEGORY 1 USER and will not be charged a rental fee.

ALSO

12.17 {E-2} Approve West Scranton JR Wrestling Use of West High School
Approve West Scranton JR Wrestling Club use of West Scranton High School Wrestling Room for practices and Scranton High Gymnasium for Sunday Tournaments for the 2021-2022 Winter

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youth wrestling season. West Scranton JR Wrestling Club Program is classified as a CATEGORY 1 USER and will not be charged a rental fee.

ALSO

12.18 {E-3} Approve West Scranton Youth Basketball League Use of West High
Approve West Scranton Youth Basketball the use of West Scranton High School for the 2021-22 winter youth basketball season. West Scranton Youth Basketball is classified as a CATEGORY 1 USER and will not be charged a rental fee.

ALSO

12.19 {E-4} Approve Riverfront Sports Complex Agreement
Approve Riverfront Sports Agreement authorizing Scranton High School 2021-22 winter sports programs to use Riverfront Sports Complex in the event West Scranton is using Scranton High.

ALSO

12.20 {F-3} Approve Memorandum of Understanding between SSD and SEIU 32BJ for LPNs
Approve Memorandum of Understanding (MOU) with the SEIU 32BJ to address the need of LPNs for the 2021-2022 school year as outlined in the attached. [32BJ MOU 11.1.21.pdf](#)

ALSO

12.21 {F-4} Approve Interim Home Health Contract for Nurses
Approve the Interim Home Healthcare Services Health Care Staffing Agreement for the remainder of the 21-22 school year to assist with various Covid-19 related care tasks as outlined in the attached.

ALSO

12.22 {G-1} Approve First Read 610 - Purchases Subject to Bid/Quotation
Approve First Read update for Policy 610 – Purchases Subject to Bid/Quotation

ALSO

12.23 {H-1} Approve Graham Academy Service Agreement
Approve the Special Education Services Agreement with Graham Academy for the 2021-2022 school year as outlined in the attached.

ALSO

12.24 {H-2} Approve Aveanna Healthcare Agreement
Approve the Aveanna Healthcare Provider Agreement as outlined in the attached.

ALSO

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12.25 {I-1} Approve Mom & Pop Contract with Suzanne Lochie

Approve transportation contract: Mom & Pop Contract c/o Suzanne Lochie, 1326 W. Locust Street, Scranton PA 18504. .56 per mile or \$45.92/day. Total: \$8,265.60 (180 days)

ALSO

12.26 {I-2} Approve Mom & Pop Contract with Vivian Williams

Approve transportation contract: Mom & Pop Contract c/o Vivian Williams, 1129 Rundle Street, Scranton, PA 18504. .56 per mile or \$6.96/day. Total: \$1,252.80 (180 days)

ALSO

12.27 {I-3} Approve Mom & Pop Contract with Jean Moran

Approve transportation contract: Mom & Pop Contract c/o Jean Moran, 812 Court Street, Scranton, PA 18508. .56 per mile or \$1.34/day. Total: \$238.52 (178 days)

13. NON CONSENT AGENDA ITEMS

14. BUDGET AND FINANCE (Budget, Real Estate and Leases) No Items

15. COMMUNITY RELATIONS (Intergovernmental, Public Relations) No Items

16. EDUCATION (Education, Technology and Vocational Ed) No Items

17. OPERATIONS (Buildings & Grounds, Health & Safety and Athletics & Stadium)

17.01 {E-5} Motion to Award HVAC Services

Motion to award the HVAC Services Contract with Scranton Electric. Financial Impact is \$63.99/hr with an 18% markup on parts.

Director Hume made a motion, seconded by Director Malloy; motion passed unanimously on roll call.

ON THE QUESTION:

Director Hume clarified that this is the contract that was discussed at the work session and the Board is completely informed of all the conditions there on.

President Gilmartin agreed.

ALSO

18. PERSONNEL (Human Resources and Labor Relations)

18.01 {F-1} Motion to Approve Personnel Report

Motion to Approve the Personnel Report as attached.

Director Cruz made a motion, seconded by Director Dempsey; motion passed unanimously on roll call.

ON THE QUESTION:

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Director Cruz thanked those that are leaving for their dedication and service and congratulated the new hires.

BOARD AGENDA FOR NOVEMBER 1, 2021					REPLACED	NEW	SALARY	
	NAME	POSITION	LOCATION	EFFECTIVE DATE				
A. PROFESSIONAL RESIGNATIONS								
1	Laurie Burdett	Music Teacher	Whittier Elementary	T.B.D.				
2	Tara Conway	Kindergarten Teacher	Sumner Elementary	10/29/2021				
3	Joseph Castaldo	Elementary Counselor	Isaac Tripp Elementary	T.B.D.				
4	Casey Petroshek	Autistic Support Teacher	Kennedy Elementary	1/3/2022				
5	Anna Rocco Tigie	Guidance Counselor	Scranton High School	T.B.D.				
B. PROFESSIONAL APPOINTMENTS								
1	Dennis Engles	Principal	Electric City Academy	11/2/2021	X. T. Whalen		\$95,934.00	pro-rated
2	Christine Wickiser	Grade 6 Teacher	Northeast Intermediate	10/25/2021	X. N. Cabets		\$40,296.00	pro-rated
3	Kaitlyn Smichenko	ELA Teacher	South Intermediate	10/12/2021	X. B. Orlando		\$40,296.00	pro-rated
4	Stephen Grevera	English Teacher	West Intermediate	11/16/2021	X. M. Tunney		\$41,055.00	pro-rated
5	Adam Pfeiffer	Business Education	Apex .6/WSHS .4	10/25/2021	X. D. Call		\$46,971.00	pro-rated
6	Kelsey Van Gorden	Grade 4 Teacher	Morris Elementary	11/8/2021	X. K. Stang		\$38,377.00	pro-rated
7	Maria Holland	Grade 5 Teacher	Northeast Intermediate	11/2/2021		Gr. Level Org	\$46,971.00	pro-rated
8	Corey McNulty	Soc. Stud. Teacher-APEX	WSHS	11/15/2021		X	\$46,971.00	pro-rated
9	Matthew Schlittler	Social Studies Teacher	Electric City Academy	T.B.D.	X. T. Carey		\$45,116.00	pro-rated
10	Rosemary Wilson	Music Teacher	Whittier Elementary	T.B.D.	X. L. Burdett		\$38,377.00	pro-rated
11	Gina Velez	Grade 4 Teacher	Morris Elementary	T.B.D.	X. M. Bartlebaugh		\$38,377.00	pro-rated
12	Lindsey Fortese	Program Director	Monticello	T.B.D.	X. D. Engles		\$85,850.00	pro-rated
13	Casey Newcomer	Program Director	Lincoln Jackson Academy	T.B.D.		X	\$85,850.00	pro-rated
C. RECOMMENDATIONS FOR LONG-TERM SUB POSITIONS								
1	Michelle Cantafio	Grade 5 Teacher	Northeast Intermediate	T. B. D.	X. C. Prall			
2	Kylene Johnson	Learning Support	West Intermediate	10/18/2021	X. N. Lewis			
3	Paul Hyduchak	Science Teacher	Lincoln Jackson Academy	T. B. D.	X. K. Dolan			
4	Noah Ostrowsky	English Teacher	Scranton High School	10/4/2021-6/17/2022	X. P. Nestrick			
5	Brendan McGrath	Art Teacher	Morris .4/Kennedy .6	10/8/2021-1/30/2022	X. A. Colon			
6	Amber Seniuk	Emotional Support	Scranton High School	10/25/2021	X. A. Marcho			
7	Megan Farrell	Math Teacher	WSHS	9/21/2021	X. R. Dempsey			
D. PROFESSIONAL UNCOMPENSATED LEAVE OF ABSENCE								
1	Jennifer Latshaw	Deaf/Hardof Hearing Teacher	District-Wide	FMLA 11/12/2021-2/17/2022				
2	Paulette Nestrick	English Teacher	Scranton High School	ROH-end of 21/22 School Yr.				
3	Linda Sagliano	Speech Therapist	Kennedy Elementary	FMLA 10/18/2021-1/25/2022				
4	Jessica O Donnell	Em Support Teacher	Monticello	FMLA 10/29/21-2/1/2022				
5	Ashley Colan	Art Teacher	Kennedy/Tripp	FMLA 10/25/2021-1/31/2022				
6	Michelle Smeden	Grade 3 Teacher	Whittier Elementary	FMLA 9/3/2021-12/6/2021				
E. NON-PROFESSIONAL RETIREMENT								
1	Rita Castaldi	Library Clerk	Itinerant	12/31/2021				
2	Sharon Mackaliunas	Clerk	Armstrong Elementary	1/7/2022				
F. NON-PROFESSIONAL RESIGNATIONS								
1	Katherin Mainetto	Para-ESL	Scranton High School	9/2/2021				
2	Cruz Garcia	Para-Emotional Support	South Intermediate	9/2/2021				
3	Kathleen Harvey	PCA	Isaac Tripp	10/13/2021				
4	Tammy McHale	PCA	Kennedy Elementary	10/29/2021				
5	Linda Reggie	Hall Monitor	Northeast Intermediate	9/2/2021				
G. NON-PROFESSIONAL APPOINTMENT								
1	Mary Alice Kearns	Payroll Spec. II Confidential	Administration Building	11/8/2021	X. E. Hayes		\$34,572.15	pro-rated
2	Kristen VonAhnen	Intervention Specialist	Electric City Academy	9/16/2021	X. J. Diskin		\$25,950.00	pro-rated
3	Thomas Durdan	Maintenance	Scranton High School	10/18/2021		X		

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4	Ashley Gurnari	PCA	Monticello	10/18/2021			X		
5	Gayle Klink	PCA	Kennedy Elementary	10/4/2021			X		
6	Nicole Reed	PCA	West Intermediate	10/14/2021			X		
7	Ronald Monroe	Maintenance	WSHS	10/21/2021			X		
8	Lori Reed	Ad. Ass't Federal Program	Administration Building	11/8/2021	X. M.Kearns			\$31,200.00	pro-rated
II. RECALL TO EMPLOYMENT									
1	Lori Macciocco	Para-Emotional Support	WSHS	9/3/2021					
2	Christina Spindler	Para-MDS	Lincoln Jackson Academy	9/3/2021					
3	Kelly Crossin	PCA	West Intermediate	9/3/2021					
4	Kathleen Harvey	PCA	Isaac Tripp	9/3/2021					
5	Theresa Shields	PCA	Scranton High School	9/3/2021					
6	Michael Costello	Hall Monitor	Isaac Tripp	11/1/2021					
I. COACHING RESIGNATION									
1	A.J. McKenna	Ass't Coach-Var. B'Ball	Scranton High School	10/7/2021					

ALSO

18.02 {F-2} Motion to Approve SFT MOA for (IIH) Instruction in the Home Teachers/Related Service Providers

Approve Memorandum of Agreement between SSD and SFT for Instruction in the Home/Teachers Related Services Provider.

Director Cruz made a motion, seconded by Director Dempsey; motion passed unanimously on roll call.

ALSO

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19. POLICY (Policy & Legislative)

19.01 {G-2} Motion to Approve First Read 123 - Interscholastic Athletics

Approve First read for Policy 123- Interscholastic Athletics.

Director Malloy made a motion, seconded by Director Dempsey; motion passed unanimously on roll call.

ON THE QUESTION:

Director Dempsey said she is not in favor of creating policy or modifying to account for a work stoppage or strike especially as it relates to our students and their extracurricular activities, she is of the opinion that the union leadership is responsible for the continuation of teacher-led student activities. If SFT's leadership will allow their members to cross the picket line to coach and supervise student activities then she sees no reason to cancel or suspend our clubs and athletics during the strike.

Director Cruz asked Mr. Castrovinci if he received a response to the email he sent to the SFT leadership.

Mr. Castrovinci said he did not receive a response.

President Gilmartin asked what the message was.

Mr. Castrovinci asked Ms. Boland and copied Matt Loftus and asked them if the district could continue with all activities and sports programs. Mr. Castrovinci has not received a response to date.

Director Fox added, per our last meeting, she doesn't know if they can suggest a friendly amendment as she does agree with Director Dempsey and she was reading from the last strike in 2015 and her assumption is that this stance will be similar to that where no teachers were allowed to cross the picket line to coach and such so last meeting we were discussing it being at the discretion of the administration as long as it can be carried out safely and equitably so the friendly amendment if the board agrees would read something that, it will be discontinued immediately at the time of the work stoppage but we would add may be continued at the discretion of the administration if such can be carried out safely and equitably.

Director Hume asked Director Fox to repeat that. Director Fox said, may be continued at the discretion of the administration if such can be carried out safely and equitably, like we spoke about last meeting so that would be just a friendly amendment.

Director McAndrew responded as he said last week he is not in favor of this, it's a tough time for the kids after coming off a year and a half, this strike is not their fault at all so what they need to do is make sure we can do whatever we can to have every activity still run whether its sports or not, whatever it is we have to do our best, we owe it to them, so he's not in favor of any policy for that.

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Director Hume responded to Mr. McAndrew, she totally agrees, the last thing is the strike taking away anything more from the children but she does not believe they could have extracurricular activities for some students and not for all students. She does not think it is fair to discriminate, (discussion was interrupted by audience members, President Gilmartin announced public comment was over, to submit their concerns to the Secretary) believes it is totally a question of equity and she is concerned about if there are members of the SFT who have no wish to cross the picket line and continue their coaching duties, we have to be assured of all of their safety, particularly in the sporting activities as well. This is a very complex question unless we can find a way, unless the SFT is prepared to allow its members to continue with their coaching duties on a no harm no foul basis, she doesn't know how we deal with it, she is really at a loss.

Director McAndrew thinks if the strike goes through, we post it, we put it out there and see who can step up in the community and if activity A can have somebody fill in right away, but activity B can't, we start activity A but we continue to try and find somebody to do activity B, he doesn't want to wipe it out for everybody.

Director Hume asked how can do that in the time, tomorrow is Election Day, she's all for that but she does not believe they can start any of the activities until they have all of them staffed. Director Hume doesn't think it's fair.

President Gilmartin believes they should consider the friendly amendment because she thinks that accomplishes what they are all trying to accomplish. Director Hume agreed, and apologized as she did not hear the friendly amendment. President Gilmartin asked Director Fox to repeat the friendly amendment.

Director Fox repeated, we'll be discontinuing immediately at the time of the work stoppage but we would add, may be continued at the discretion of the administration as such can be carried out safely and equitably.

Director Yanni asked to repeat.

President Gilmartin said it is being proposed that the friendly amendment would strike out the language, will be discontinued immediately at the time of the work stoppage, and it would be replaced with, may be continued at the discretion of administration if such can be carried out safely and equitably. Ms. Gilmartin thinks by considering that amendment they memorialize so that another, God forbid, situation, such as this should arise, they know where the decision lies, where the responsibility is, she thinks it opens up the potential for the administration and the union to discuss this and come to a positive resolution for our students and she thinks it also addressed the concerns that obviously the effort is to do everything for everyone and that would be at the discretion of administration.

At this time, Ms. Rosemary Boland was speaking from the audience and Ms. Gilmartin thanked Ms. Boland and asked her to let Mr. Castrovinci know so that planning can commence and asked if it includes all extracurriculars. Ms. Boland could not be heard. Ms. Gilmartin said she thinks there's a concern about drama speech and debate and other extracurriculars. Director Hume said that is very gracious and thanked Ms. Boland. Ms. Boland could not be heard.

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President Gilmartin asked if everyone was comfortable with the friendly amendment as proposed by Director Fox.

Director Yanni asked Superintendent McTiernan if that gives her the directive she would need to proceed forward.

Mrs. McTiernan said it does, and she was a little concerned about the language that was being used because the word equitable was in there and there was some concern but Ms. Boland addressed it but if Ms. Boland did not say what she did then she was going to still be concerned with the language that it's not very clear. Mrs. McTiernan added if they want to give the discretion of the administration then that's fine but if they're going to tell her that it needs to be equitable, and we're talking hypothetical here because we already have our answer, then they would need to give her time to get people in positions because she might not be able to make it equitable on Day One and she thinks that is what she said at the last meeting so we just need to decide if we're doing it or not, if it's administration or the board making the decision, to her it's not very clear to her.

President Gilmartin asked if Mrs. McTiernan would be comfortable if they did this amendment as this is a First Read Policy. Mrs. McTiernan said yes, she thinks they've gotten their answer tonight.

President Gilmartin said we have a friendly amendment on the floor, and we need a second. Director Malloy seconded.

The motion to approve the friendly amendment passed unanimously on roll call.

Ms. Gilmartin said they would continue to clarify the language and she also believes that the same, once we have hammered out that specific language, she believes the same language needs to be inserted into Policy 122 which governs extracurricular activities.

The motion on the original motion passed unanimously on roll call.

ALSO

19.02 {G-3} Motion to Approve First Read 706 - Property Records

Approve First read for Policy 706 – Property Records.

Director Dempsey made a motion, seconded by Director Cruz; motion passed unanimously on roll call.

20. SPECIAL EDUCATION No Items

21. VENDOR RELATIONS (Purchasing, Food Services, Transportation)

21.01 {I-4} Approve Geisinger Marketing Opportunities

Approve marketing options attached to offset Athletic Training service costs in the amount of \$28,000.

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Director Yanni made a motion, Director Dempsey seconded and Director Yanni asked if they could add to it that it's Geisinger Health Plan; it needs to be added to that motion.

President Gilmartin asked if they need a friendly amendment to acknowledge that. Mr. Audi responded yes.

Director Yanni made a motion to add Geisinger Health Plan to the motion, seconded by Director Malloy.

ON THE QUESTION:

Director Yanni said she would be abstaining because she works for another healthcare provider in the area.

Motion on the friendly amendment passed with (7) seven affirmative and (1) abstention. Director Yanni abstained because she works for another healthcare provider in the area.

The original motion passed with (7) seven affirmative and (1) abstention. Director Yanni abstained because she works for another healthcare provider in the area.

22. NEW BUSINESS

Director Yanni said she knows it's been a really difficult night with all of our speakers and she knows that the legalities that surround the elimination of healthcare benefits is difficult for all of us to understand and she will be upfront and say she doesn't understand all of the legalities that surround it and that's why she asked Mr. Audi to explain and he has provided them with case law that states that benefits are considered part of compensation and can therefore not continue during the strike or it would be illegal and she just wants to confirm that and have Mr. Audi confirm that that's his legal opinion Mr. Audi that this board would be violating the law if we were to do that.

Mr. Audi said it is his opinion that Section 43, Pennsylvania statutes 1101.1006 provides that no public employee shall be entitled to pay or compensation from the public employer for the period engaged in any strike and that there were definite the word compensation has been defined by case law to include health benefits, yes.

Director Yanni asked if that is open to any interpretation in his opinion.

Mr. Audi said not by the law, no; the law says what it says, the cases that he provided say what they say.

Director Hume asked what other districts do is really up to them and it sounds to her, as she followed up on the case law as he said, it is possible that were they to breach this law they would open themselves up to lawsuits from people who are stakeholders in the district such as taxpayers and it would be criminal?

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Mr. Audi said he doesn't know that it would be criminal but we would be open potentially to lawsuits and also be seen as violating a state statute, he can't advise against that.

Director Dempsey said state law requires that the teachers work a full 990 hours, 180 days, whatever they're contractually obligated to work and we have to make them whole once they return so we end up calculating a per diem rate, is that in effect for health care as well, where we will have to make them whole, so they'll eventually work their contractual hours, their contractual days, so will we be responsible, because healthcare is considered compensation, are we then responsible for fulfilling them contractually in regards to their healthcare.

Mr. Audi said that would depend upon what we negotiate at the bargaining table returning to work.

23. PRESIDENT'S REPORT

Ms. Gilmartin thanked everyone for keeping their composure during a difficult meeting, and thanked the speakers for coming forward to share their concerns, she especially thanked the student representatives for being with us this evening; they are very new to this job and she really appreciates how prepared they both were and how calm and collected they were in delivering their remarks and she knows they will continue to do that and share their good news.

24. ADJOURNMENT

A motion to adjourn was made by Director McAndrew, seconded by Director Dempsey and the meeting adjourned at 9:38PM.

By: _____