

October 8, 2020

SCRANTON, PENNSYLVANIA

The Scranton School Board of Directors held a regular board meeting on Thursday, October 8, 2020 at 7:00pm prevailing time via Zoom.

President Gilmartin called the meeting to order at 7:01pm with a Pledge of Allegiance to the Flag.

Roll Call: By the Secretary.

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

Absent: All Present.

President Gilmartin asked fellow board members if there is anything they would like pulled from the Consent Agenda. Ms. Gilmartin also announced that two motions, E-4 and E-5, would be moved from Operations to Budget and Finance.

Motion to Approve Agenda:

Director Dempsey made the motion, seconded by Director Cruz and motion duly passed 9-0.

Communications to the Board:

Secretary Orr announced executive sessions were held on June 10, 2020, June 29, 2020, July 27, 2020, August 3, 2020, August 27, 2020, August 31, 2020, September 14, 2020, September 29, 2020 and this evening to discuss real estate, litigation, personnel and negotiations.

Solicitor's Report:

Attorney John Audi announced that since there were technical difficulties during the September 14, 2020 meeting and due to the Sunshine Act we will need to revote those motions from that meeting in addition to this evening's motions.

President Gilmartin asked Mr. Audi to explain why it was necessary to move the October 4th meeting to this evening.

Mr. Audi explained moving the meeting allowed us to re-advertise appropriately and the capacity in Zoom has since been increased to a larger number of participants.

President Gilmartin added that every effort will be made to live stream to YouTube future meetings but we will not be advertising that.

Mr. Audi agreed adding that the capacity of Zoom has increased to 1000 participants allowing people to listen and/or speak.

Ms. Gilmartin asked Mr. Dougherty if we ever got to the bottom of the technical issues and why that happened.

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Mr. Dougherty said it was a Zoom issue and that there had been issues with Zoom throughout that day.

Ms. Gilmartin asked Mr. Audi how we could preserve the record of September 14th realizing there will not be official minutes of that meeting.

Mr. Audi thinks there should be a notation of the minutes because it did take place; it's just that the motions that were voted upon were deemed invalid because of the Sunshine Law and suggested a copy of the recorded meeting be saved, which was also published the next morning at 7AM, and also make note in the minutes of this evening's minutes that the motions were deemed to be in violation of the Sunshine Act and therefore not effectuated.

Ms. Gilmartin asked if there needs to be official action on that or if it is something the Board Secretary can note. Mr. Audi said Mrs. Orr could do that and approve that at the next board meeting.

Superintendent's Report:

Mrs. Melissa McTiernan, Superintendent clarified some misinformation that has been going around the school community. The first question was when virtual learning will end. Mrs. McTiernan said the board voted to continue virtual learning until November 12th which is the end of the first quarter. Mrs. McTiernan added that discussions will take place on October 19th during the Education Committee meeting and also on October 26th during the Work Session with a plan at this point for the board to vote on November 2nd for the education of our students for the second quarter.

Mrs. McTiernan now addressed a question of why teachers are being told they can only teach for 7-10 minutes in live sessions. Mrs. McTiernan said this is not a directive from Central Administration and they are in fact encouraging teachers to teach live lessons as much as possible adding that Administration cannot dictate how long a lesson would take as that is the teacher's job and depends on the students needs. The board approved academic addendum that teachers must provide live or recorded instruction at least three times per week per course and all live teaching lessons must be recorded as students may only be able to watch at a later time in that day. Mrs. McTiernan asked parents that if that is not happening to please reach out to their child's building principal so they can investigate that.

Mrs. McTiernan addressed the question if teachers can use other resources besides Accelerated Ed at the Elementary level and her answer was absolutely, they could use any supplemental resources as they would if we were in a brick and mortar setting.

Mrs. McTiernan now addressed the rumors regarding Accelerated Ed and workbooks as there is a lot of misinformation being sent out. Mrs. McTiernan said in a normal situation a program such as Accelerated Ed or a textbook or any resource that we would purchase at the district level, they would pilot that for at least a year before making a decision and obviously they didn't have the luxury of piloting anything and had to move quicker due to the pandemic situation. The Accelerated Ed platform was chosen in a sealed bid process,

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was purchased at the COVID price which did not include hard cover workbooks so they were not awarded hard cover workbooks.

Mrs. McTiernan now asked Mrs. Ann Grebeck, Director of Elementary Education the following questions:

Why were the Accelerated Ed workbooks purchased and why did we feel we needed them.

Mrs. Grebeck said training was held during the summer on Accelerated Ed and those attending the training were all elementary principals, the ESL coordinator Ms. Cosgrove, Mrs. Maloney from the Tech Department Mrs. Abdalla from Title Department, the trainers and herself. During the training they learned how students can submit work electronically which would be new for young learners. Mrs. Grebeck added that the district had a shortage of chromebooks and told by the vendor that a workbook version was available at COVID-19 reduced pricing. Many elementary principals indicated they would be requesting hard copies of the workbooks especially for reading and math. The rationale for this was having a hard copy for young students to work with like in the classroom is the best practice and students would also need a way to submit their work without having a chromebook. Mrs. Grebeck quoted as stated in the academic addendum “In a fully virtual model, each student will be provided beneficial learning opportunities whereby teachers will assign standards based tasks and assess student learning”, adding that student work would be graded using regular grading practices but without chromebooks how would students submit their work and how would teachers grade assignments if we didn’t have these workbooks and with limited internet a workbook would allow students to continue working on assignments. Parents have responded on how they are happy to be able to take pictures of students work and submit it to their teachers so the decision was made based on the people that attended that meeting and the principals indicating that they felt as though a workbook or a hard copy would be most appropriate. Mrs. Grebeck asked the principals to please be consistent so that all students across the district would be provided the same materials to work with from home.

Mrs. McTiernan asked how the workbooks were purchased.

Mrs. Grebeck responded that during the training the facilitators explained that they have the copyright approval to make copies at a reduced cost and the principals purchased them through their Title budgets or their school book budgets.

Mrs. McTiernan asked how much it would cost to purchase a workbook through their company.

Mrs. Grebeck was quoted a price of \$17.25 for each workbook and a vendor was able to copy them from anywhere between \$3-\$10 per book although they’re not as fancy but they would definitely serve the purpose.

Mrs. McTiernan asked how much we paid to have them copied by the IU19.

Mrs. Grebeck said it depended on the subject and grade and ranged between \$3-\$10 per workbook.

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Mrs. McTiernan said although Mrs. Grebeck already spoke about this, asked her to restate why we didn't recopy the books ourselves.

Mrs. Grebeck said we do not have the copyright rights but the vendor has the copyright license and approval to do that; the district does not have the copyright to do that.

Mrs. McTiernan asked if the decision to purchase was made with the approval of the principals.

Mrs. Grebeck said the decision was made after the training and the principals expressed interest in the hardcover workbooks.

Mrs. McTiernan addressed rumors about workbooks being sent to student's homes. Mrs. McTiernan shared an email from Holly Brzycki, Capital Area Online Learning Association, that said workbooks were accidentally ordered for Scranton, an error on their end, about 2,000 workbooks, and the district was asked to please recover the workbooks and send them back to them as they cannot afford a \$100,000 loss. Mrs. McTiernan said they would be sending a one call to the families to try to collect these workbooks, adding that the district DID NOT pay for.

President Gilmartin mentioned that the company has no recourse against the district should someone had written in a book or it is not returned and the company understands they will absorb that loss not the district.

Mr. Audi said he cannot see any liability on the district's part and the district will do their best to return the items but if that doesn't happen the district will not be responsible.

Ms. Gilmartin thought it important to say that if a parent realizes their child wrote in a book they don't need to panic. Mrs. McTiernan agreed that none of that is the parent, the child or the district's fault and they will continue to do their best to retrieve the workbooks that we can and the ones we can't there is nothing we can do about it.

Mrs. McTiernan now asked Mrs. Kelly Coyne to share some information that would be good to share with the community adding that as many emails she is getting about the workbooks she is also getting emails thanking her that they do have them.

Mrs. Coyne remarked that they had the opportunity to implement the workbooks and she supported that because the students benefited from that. As a principal she is happy to have the workbooks as some students may not have access to technology.

Mrs. McTiernan asked Mr. Paul Dougherty to give an update on the Chromebook order.

Mr. Dougherty said they call weekly to check on the order of 8300 Chromebooks and currently there is a 5 million unit backorder and are expecting some this month and hoping to get a firm delivery date at their next weekly call.

Mrs. McTiernan shared good news that the Bell Game will take place this Saturday, face masks will be required and CDC guidelines will be followed. No tickets will be sold at the games; they are all pre-sale tickets at Scranton High or West High.

Mrs. McTiernan asked Mr. Laffey to provide a food service update.

Mr. Laffey announced that to date, since the closure of schools in March, over 184,000 meals have been provided to our students in the community which consisted of breakfast and lunch. Meals will continue to be provided and available every Monday and Wednesday from 10AM-1PM at Scranton High, West High, Isaac Tripp, Whittier, Kennedy and Armstrong. Mr. Laffey recently learned that weekend meals will also be provided and we have been awarded the Fresh Fruit and Vegetable program for each elementary school so there will be fresh fruit and vegetables distributed to students in addition to their breakfast and lunch each week. Mr. Laffey thanked our food service and the staff for their help with all of this.

PSBA Report:

Director Michelle Dempsey reported on the following:

House Bill 2696 pulled from consideration last week.

Under the bill, parents with school age children (K to 12) would have received funding in an account to offset educational costs. These accounts will help students get back on track after the Coronavirus pandemic. The accounts would be administered by the state Treasurer, much like the existing 529 program, with all funding coming from the reserved discretionary component of federal CARES Act funds.

Back on Track ESAs could only be used by families for students' education-related needs like tutoring, online classes, curriculum, tuition, counseling, and services for students with special needs. This voucher system would have had an impact on the subsidies schools within our public education system receive.

New PSBA Closer Look details liability concerns of public schools

PSBA recently sent to all members of the General Assembly a new [Closer Look](#) publication that fully explains why public schools need temporary safe harbor protections from opportunistic lawsuits that seek to take advantage of the COVID-19 emergency. The *Closer Look* explains why schools may not be fully covered from immunity protections under current law, even as they are working hard to resume in-person instruction and implement the guidance from federal, state and local health authorities. Time is running out to pass this legislation this year and it is urgently needed! We are being urged to send a new, updated letter to our members of the Senate and House of Representatives. (attached below)

PSBA continues push for permanent mandate waiver program

With a short fall legislative session scheduled for the General Assembly, PSBA is pushing for action on a bill to provide mandate relief for schools. PSBA worked with Senator Langerholc (R-Cambria) to introduce Senate Bill 1286, legislation that would establish a broad, permanent mandate waiver program. Certain laws and regulations would not be waivable, such as those relating to student safety, academic standards and assessments, special education and others.

Bill Summary: Senate Bill 1286 (Sen. Langerholc, R-Cambria) would establish a program that would allow public schools to apply to the Pennsylvania Department of Education (PDE) for a waiver of many state-imposed mandates if the school can show that

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its instructional program will improve or the school will operate in a more effective, efficient, or economical manner.

October 8th - Fall Virtual Advocacy Day

The day will center around contacting legislators to discuss critical issues affecting public education. There is no cost to register and school directors can register online now by logging in to PSBA.

Register for 2020 School Leadership Conference

The 2020 PASA-PSBA School Leadership Conference, October 14-15, is the place where your entire board can experience industry-leading speakers and insight-filled panels, along with a variety of product and service overviews in the exhibit hall. Registration is required, but school board secretaries can register their entire Team of 10 at one time!

Action Letter

SUBJECT: Public schools need temporary grant of immunity from COVID-19 lawsuits

As a public school leader, I am writing to ask your help. Our schools have been working hard to resume in-person instruction as the COVID-19 pandemic continues. Our primary goal is to provide students with a quality education in a safe environment. During this pandemic, I and other public school officials, who are not medical professionals, are doing their best to implement frequently vague and sometimes differing guidance from federal, state and local health authorities.

Yet, even if this guidance is followed to the letter, there is no guarantee that public schools can prevent any and all potential exposure to COVID-19 in school buildings or buses. We need enhanced protections during this time from frivolous or opportunistic lawsuits alleging exposure to the virus.

School districts are not asking for broad tort reform. What we need is a temporary grant of immunity for actual or potential COVID-19 exposure in the school setting, including on school district provided transportation, unless such exposure is the result of gross negligence or willful misconduct on the part of public schools or school officials.

School districts are provided general immunity from civil damages under the Political Subdivision Torts Claim Act. However, there are two key exceptions to this immunity, the scope of which have been expanded by recent Pennsylvania Supreme Court decisions, that have public schools concerned as in-person instruction resumes while the COVID-19 pandemic lingers. First is the real estate exception, and second is the motor vehicle exception. A recent PA Supreme Court case (*Brewington v. Philadelphia*) has opened the possibility that school districts may not be entitled to immunity should any student, staff member, or visitor allege that they contracted COVID-19 in a school setting despite the school's best efforts. Under the motor vehicle exception, a public school would be liable for damages if an injury were caused by the negligent operation of any motor vehicle in the possession or control of the public school. In *Balentine v. Chester Water Authority*, the Pennsylvania Supreme Court expanded on what would be included as "operation" of a motor vehicle. In the context of COVID-19 and the resumption of transporting students, the *Balentine* case, combined with the approach taken by the Court in *Brewington*, causes

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significant concern for school leaders and taxpayers due to the potential for costly judgements resulting from claims of negligence in making pandemic-related decisions.

Further, many insurance carriers are becoming aware of the possibility that schools could be exposed to liability because of COVID-19 exposure in the school setting. As a result, they have begun to remove or exclude coverage for any claims related to COVID-19 from their insurance policies, leaving school districts and taxpayers on the hook not only for any potential liability that may arise due to the pandemic, but also for the costs of defending against such claims.

With the prospect of costly litigation hanging over every decision made by school boards and administrators in reopening and operating schools and school programs, we need legislation that would provide limited protections so that our schools are not worrying about being financially crippled or shut down as long as we do our best to implement the state and federal guidance.

Mrs. Dempsey urges to act now to help us and provide liability protections for our schools.

Public Comment:

Jackie Munley, paraprofessional, expressed disappointment regarding the furloughs and taking away their benefits adding there is plenty of work for them to do and urged the board to do the right thing when they vote.

Roberta Jadick, Monsey Ave., Scranton, paraprofessional, spoke against the furloughs of paraprofessionals and the services they provide.

Barbara Cook, spoke against the furloughs.

Holly Meade, Quincy Ave., Dunmore, teacher at Northeast Intermediate, thanked the ELL department, spoke of the ELA textbooks, spending money on a new track at the stadium, lack of direction of the special education department and the need of paraprofessionals.

Vivian Williams, Rundle St., Scranton, spoke of the difficulty working through a virtual learning environment and the respect she has for administrators and board members.

Linda Jenkins, Decker Rd., Greenfield Twp., paraprofessional, asked the board to reconsider their decision to furlough paraprofessionals and spoke of the services the paraprofessionals can provide during virtual learning.

Diane Walsh – unable to connect with Ms. Walsh after numerous attempts.

Rosemary Boland, SFT, spoke on behalf of the paraprofessionals and the loss of their health care and the need of the district to practice better communication. Ms. Boland urged the board to allow the paraprofessionals to participate in the health care plan.

Erin Harris, Brook St., Scranton, paraprofessional, spoke about the Accelerated Ed platform, asked how many bids came in for the virtual learning platform, where did the money come from, how the company obtained the students' addresses and asked for

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answers at some point. Mrs. Harris also spoke of losing health care benefits and speaking to Millennium. Ms. Gilmartin asked Mrs. Harris to email her questions to Mrs. Orr.

Mrs. McTiernan now answered the questions: there were three sealed bids received, we already addressed how we paid for them in her earlier statement that individual buildings used their money to purchase the workbooks, and addresses came from a template in Accelerated Ed.

Amanda Vanbuskirk, N. Hyde Park Ave., Scranton, excited about the bell game but for her own safety staying home and rooting for each team. She wished both teams good luck and thanked everyone for supporting the schools.

Agnes Jones, River St., Scranton, paraprofessional, spoke of the stress endured during these past months. Ms. Jones also spoke of the amazing job paraprofessionals do and asked the board to reconsider the furloughs.

Amy Martin, Pittston Ave, Scranton, expressed sadness of the furloughs.

Mollie Cosgrove, parent, Ridgeview Dr, Scranton, spoke in support of opening schools in a hybrid plan.

Suzanne Furey, teacher at Armstrong, asked for update of HVAC system at Armstrong and when the repair will take place. Ms. Furey also spoke in favor of paraprofessionals and the assistance paraprofessionals can provide in virtual learning.

Chrissy Mederios, parent, spoke about the Accelerated Ed program and the difficulty using the platform and concern of truancy letters that she has heard are going to be sent out to families.

Motion to Approve Meeting Minutes of August 31, 2020:

Director Dempsey made a motion, seconded by Director Welby and duly passed 9-0.

Motion to Approve Consent Agenda:

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

The Consent Agenda included the following: (B-1-914, B-1, B-2-914, B-2, B-3-914, B-4-914, B-5-914, B-3, B-6-914, B-7-914, B-8-914, B-9-914, B-10-914, B-11-914, B-13-914, B-12-914, B-14-914, C-1-914, C-2-914, D-1-914, D-1, D-2-914, D-3-914, E-1-914, E-2-914, E-3-914, F-2-914, G-1-914, G-2-914, G-3-914, G-4-914, G-1, H-1-914, I-1-914)

B-1-914

List of Bill Payments: \$914,994.95
[..\Resolutions\B-1 Bill List Motion 9.14.2020.pdf](#)

ALSO

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B-1

List of Bill Payments: \$955,994.72
<..\Resolutions\B-1 Bill List Motion and Bill List 10.5.2020.pdf>

ALSO

B-2-914

Exception and Summer Bill Payments:
<..\Resolutions\B-2 Bill List 9.14.2020.pdf>

July 10, 2020	\$6,588,701.65
July 24, 2020	\$1,006,803.48
July 31, 2020	\$4,180,740.93
August 7, 2020	\$ 860,680.26
August 21, 2020	\$1,321,036.80
August 31, 2020	\$1,691,107.34
September 4, 2020	<u>\$ 606,952.24</u>
	\$16,256,022.70

Payrolls:

July 9, 2020	\$1,966,075.35
July 23, 2020	\$2,061,685.05
August 6, 2020	\$1,948,709.81
August 20, 2020	\$1,928,887.95
September 4, 2020	<u>\$2,307,728.80</u>
	\$10,213,086.96

ALSO

B-2

Exception Bill Payments:

September 18, 2020	\$460,027.91
September 30, 2020	\$1,581,128.51
October 2, 2020	<u>\$490,859.17</u>
	\$2,532,015.59

Payrolls:

September 18, 2020	\$2,274,190.95
October 2, 2020	<u>\$2,338,130.80</u>
	\$4,612,321.75

<..\Resolutions\B-2 Bill List Motion and Bill Lists 10.5.2020.pdf>

ALSO

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B-3-914

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

642 Birch St., Map # 15620-010-070, in the amount of \$1,441.25 to Donald Stith.

2014R Jackson St., Map # 14513-010-02601, in the amount of \$1,497.50 to Donald Stith.

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

B-4-914

The Delinquent Tax Report as prepared for the month of June 2020 shows net return to the Scranton School District of \$511,570.43.

	\$449,564.49
Penalty	\$ 43,068.64
Interest	<u>\$ 45,862.95</u>
TOTAL	\$538,496.08
Commission	<u>\$(26,925.65)</u>
NET TO DISTRICT	\$511,570.43

ALSO

B-5-914

The Delinquent Tax Report as prepared for the month of July 2020 shows net return to the Scranton School District of \$909,661.31.

	\$767,694.47
Penalty	\$ 80,058.42
Interest	<u>\$109,786.33</u>
TOTAL	\$957,539.22
Commission	<u>\$(47,877.91)</u>
NET TO DISTRICT	\$909,661.31

ALSO

B-3

Approve Delinquent Tax Report for the month of August, 2020 as collected by the Lackawanna County Tax Claim Bureau:

	\$603,992.30
Penalty	\$ 60,195.07
Interest	\$81,689.16
TOTAL	\$745,876.53
Commission	\$(37,294.51)
NET TO DISTRICT	\$708,582.02

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ALSO

B-6-914

Treasurer's Report for period ending June 30, 2020 as prepared by the Business Office and confirmed by First National Bank.

<..\Resolutions\June 2020 Treasurers Report 9.14.2020.pdf>

Opening Balance	\$35,278,759.65
Monthly Revenue	\$22,317,529.19
Transfers and Refunds	<u>\$ 150,913.66</u>
 TOTAL AVAILABLE	 \$57,747,202.50
TOTAL DISBURSEMENTS	<u>\$11,427,966.13</u>
 BALANCE IN GENERAL ACCOUNT	 \$46,319,236.37

ALSO

B-7-914

Treasurer's Report for period ending July 31, 2020 as prepared by the Business Office and confirmed by First National Bank.

<..\Resolutions\July 2020 Treasurers Report 9.14.2020.pdf>

Opening Balance	\$46,319,236.37
Monthly Revenue	\$ 5,768,287.85
Transfers and Refunds	<u>\$ 159,596.40</u>
 TOTAL AVAILABLE	 \$52,247,120.62
TOTAL DISBURSEMENTS	<u>\$17,079,482.68</u>
 BALANCE IN GENERAL ACCOUNT	 \$35,167,637.94

ALSO

B-8-914

Treasurer's Report for period ending August 31, 2020 as prepared by the Business Office and confirmed by First National Bank.

<..\Resolutions\August 2020 Treasurers Report 9.14.2020.pdf>

Opening Balance	\$35,167,637.94
Monthly Revenue	\$ 3,785,290.05
Transfers and Refunds	<u>\$ 37,728.16</u>
 TOTAL AVAILABLE	 \$38,990,656.15
TOTAL DISBURSEMENTS	<u>\$ 8,749,781.77</u>
 BALANCE IN GENERAL ACCOUNT	 \$30,240,874.38

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ALSO

B-9-914

Per the structure of the 2014 Notes the Scranton School District is periodically required to remarket the 2014 Notes in the public markets- the 2014 Notes were last remarketed in 2018. Under the current terms of the 2014 Notes the School District can remarket the 2014 Notes anytime beginning on October 1, 2020 but MUST remarket the notes prior to April 1, 2021 (mandatory tender date). If the School District fails to remarket the 2014 Notes or refund the 2014 Notes in full prior to April 1, 2021 the full amount of the 2014 Notes will be due and payable by the School District – currently \$27,895,000. The current interest rate market is at or near historical lows given the current global pandemic and global monetary policies. We recommend that the School District take advantage of the current interest rate environment and complete the remarketing of the 2014 Notes as soon as possible. Similar to other remarketing the School District has completed all costs of issuing the remarketing will be paid directly by the School District.

Estimated remarketing fees of \$199,685. Detail attached.

[..\Resolutions\Motion to Authorize 2014 Remarketing Notes 9.14.2020.pdf](#)

ALSO

B-10-914

Approve Reimbursement resolution of the General Obligation Bond 2020

The Reimbursement Resolution will allow the School District to reimburse itself from proceeds of the anticipated General Obligation Bond issuance at closing for any cash its spends from its own funds on capital items prior to the closing of the anticipated General Obligation Bond later this year. The School District may incur various costs related to capital projects prior to the issuance of the anticipated General Obligation Bond, these incurred costs are normally paid by the General Fund – this Resolution provides the School District the flexibility to replenish any costs incurred on capital projects prior to the closing of the General Obligation Bond.

[..\Resolutions\Motion to Approve Reimbursement Resolution for 2020 General Obligation Bonds 9.14.2020.pdf](#)

ALSO

B-11-914

Award the RFP for NEIS Portico to D & M Construction at a cost of \$74,803.

ALSO

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B-13-914

Award Underwriting Service for the 2020 General Obligation Bonds to the combination of Boenning & Scattergood, PNC Capital Markets and RBC Capital Markets. Director Dempsey seconded and passed unanimously on roll call.

Request for Qualifications (RFQ) was issued for Underwriting Services in connection with the School District's anticipated General Obligation Bond issuance. The RFQ is to provide Underwriting services for the first of two anticipated Capital Project Borrowings scheduled per the Recovery Plan, the first of which is currently planned to be issued prior to the end of 2020 in the amount of approx. \$30 million. Proceeds from the borrowing will be used to address the Capital needs of the District as detailed in the Recovery Plan. The School District publically advertised the RFQ beginning July 31, 2020 and proposals were due on August 25, 2020 by 5:00pm. Seven (7) firms submitted proposals by the submission deadline and a summary has been provided for your review (attached).

ALSO

B-12-914

Approve the Capital Projects Bill List totaling \$470,729.53.

ALSO

B-14-914

Approve the following professional consulting agreements related to tax assessment appeals

Loch, Elsenbaumer, Newton – Midtown Apartments – estimated fees between \$7,500-\$10,000

Robert Henkleman – Cost sharing agreement between Scranton School District, City of Scranton, Dunmore School District, Borough of Dunmore and the Lackawanna Board of Assessment Appeals – Scranton School District share is \$458.00

Financial Impact estimated between \$7,958 - \$10,458

These agreements are recommended to challenge assessment appeals Midtown Apartments and Marywood University that if approved could result in significant reduction in District tax revenue.

ALSO

C-1-914

Approve The Wright Center to use West Scranton Intermediate on Saturday, September 19, 2020 for a food drive.

ALSO

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C-2-914

Approve Commission on Economic Opportunity/Weinberg Northeast Regional Food Bank Memorandum of Understanding was made by Director Welby; Director Malloy seconded and duly passed 8-0.

Commission on Economic Opportunity (CEO) is a non-profit which operates the Weinberg Northeast Regional Food Bank and is committed to educating low income Pennsylvanians about healthy food choices. The following locations have been selected to conduct SNAP-Ed activities:

Bancroft, Sumner, Willard, Tripp, Adams, Whittier, Kennedy, McNichols Plaza, Armstrong, Northeast Intermediate, Morris, Scranton High, South Intermediate, Prescott, West High, West Intermediate, and Whitter Annex.

Unfortunately, due to COVID school closures and the funder's prohibition against in-person Nutrition education, there most likely won't be in-person/on-site doing education this year, but CEO would still like to renew the two year MOU with the district for several reasons –

- To have it on file for next year, when hopefully students, families and staff can once again gather in person.
- Allow CEO to work with the district – should they desire, to provide virtual nutrition education to students or families
- Allow CEO to work with the district to continue to host the Children's Produce
- Market and provide important food assistance to families

ALSO

D-1-914

Approval of staff attendance to conferences and meetings contingent upon the required approval of all supervisors, principals, or administration.

Financial Impact: \$1,000.00

Approval of staff attendance to conferences and meetings for professional development relevant to their specific duties and responsibilities.

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Professional Development Board Meeting: September 14, 2020

	NAME	CONFERENCE/MEETING	LOCATION	COST	DATES	PAID BY	SPONSORING	SUBSTITUTE
						GRANT/ ORGANIZATION	ENTITY	REQUIRED
1	Maureen Walsh	Intermountain AP Summer Institute /AP College	On-Line through Davis School District, Utah	\$500.00	7/06/20 to 7/10/20	Y		N
2	Lara Rink	Intermountain AP Summer Institute /AP College	On-Line through Davis School District, Utah	\$500.00	7/06/20 to 7/10/20	Y		N
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ALSO

D-1

Approval of staff attendance to conferences and meetings for professional development relevant to their specific duties and responsibilities contingent upon the required approval of all supervisors, principals or administration.

Thomas Murray

AP Training

On-Line

\$1245.00

8/3-86/2020

Paid by: Title I Grant

College Board @ Camden County Community College

Mina Ardestani

Restorative Discipline

Virtual

\$479.00

12/7-12/9/2020

Paid by: Title I Grant

Jason O'Hearn

APSI

Online

\$625.00

7/27-7/30/2020

Paid by: Title II Grant

University of Texas at Tyler

Mina Ardestani

MTSS

Virtual

\$0.00

9/22-9/25/2020

Patricia Dougherty

MTSS

Virtual

\$0.00

9/22-9/25/2020

Amber Schmidt

MTSS

Virtual

\$0.00

9/22-9/25/2020

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Suzanne Schaffer
MTSS
Virtual
\$0.00
9/22-9/25/2020

Lisa Tulaney
MTSS
Virtual
\$0.00
9/22-9/25/2020

Christina Turnbull
MTSS
Virtual
\$0.00
9/22-9/25/2020

Sharon Volpe
MTSS
Virtual
\$0.00
9/22-9/25/2020

Molly Zvirblis
MTSS
Virtual
\$0.00
9/22-9/25/2020

ALSO

D-2-914

Authorize Superintendent Melissa McTiernan to sign and submit electronically any and all contracts, agreements, grants and/or licenses with the Pennsylvania Department of Education (PDE) as indicated in attached resolution.

ALSO

D-3-914

Motion to Approve 2020-2021 Cyber Handbooks

ALSO

E-1-914

Approve the Contract Extension Agreement between Lackawanna College and Scranton School District for the use of Scranton High School's Baseball and Softball fields for the time period of August 1, 2019 through July 31, 2027 (8 years), and shall pay the Scranton School District One (1) Dollar per year during the term of this agreement. (This is a contract extension of the agreement made on November 19, 2019)

ALSO

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E-2-914

Approve Memorandum of Understanding with University of Scranton Track Team. This is a partnership for the usage of Scranton Memorial Stadium and the baseball field within the Quinn Campus under the terms and conditions in the attached MOU.

ALSO

E-3-914

Approve to retain the services of Keystone Sports Construction to provide synthetic turf maintenance services for a five (5) year period. \$14,250 total over 5 years.

ALSO

F-2-914

BOARD AGENDA FOR SEPTEMBER 14, 2020							
NAME	POSITION	LOCATION	EFFECTIVE DATE	REPLACED	NEW	SALARY	
A. PROFESSIONAL RESIGNATION							
1 Emily Peil	Special Ed-Life Skills	Scranton High School	T.B.D				
2 Kristin Riley	Grade 7 English Teacher	Northeast Intermediate	10/23/2020				
3 Nicole Weber	Grade 1 Teacher	Sumner Elementary	T.B.D				
4 Rachel Hain	Special Ed-Learning Support	Scranton High School	9/18/2020				
5 Susan Reilly	Grade 1 Teacher	Isaac Tripp Elementary	T.B.D				
6 Rebecca Johnson	Special Ed-Emotional Support	Whittier Annex	9/25/2020				
7 Gregory Gnanapoulos	Autistic Support	Northeast Intermediate	T.B.D				
B. PROFESSIONAL LEAVE OF ABSENCE							
1 Louise Kurpis	Grade 4 Teacher	Whittier Elementary	ROH Sabbatical 2020/2021 School YR				
2 Jennifer Palazzari	Guidance Counselor	West Scranton High School	FFCRA 9/14/2020-12/14/2020				
C. RECOMMENDATION FOR PERMANENT SUBSTITUTE TEACHING ASSIGNMENT							
1 Katie Chowanec	Kindergarten Teacher	Kennedy Elementary	9/2/2020	X. K. Sabol		\$38,377.00	
2 Olivia Ramey	Grade 4 Teacher	Whittier	9/8/2020	X. L. Kurpis		\$38,377.00	Pro-Rated
D. RECOMMENDATION FOR LONG TERM SUBSTITUTE TEACHING ASSIGNMENT							
1 Scott Gorton	Health/Phys Ed Teacher	Adams/Bancroft Elementary	9/14/2020	X. S. Zanghi		\$38,377.00	Pro-Rated
E. NON-PROFESSIONAL RESIGNATIONS							
1 Regina Fratzola	Clerk	West Scranton High School	9/11/2020				
2 Erica Pizur	Para-Autistic Support	Kennedy Elementary	9/18/2020				
F. PROFESSIONAL CONTRACTS							
1 Jennifer Lathaw	Hearing Impaired	Scranton High School	9/2/2020				
2 Mirha Noddy	ESL	Northeast Intermediate	9/2/2020				
3 Ashley Richards	Special Ed	Monticello	9/2/2020				
4 Mary Ellen Stanton	Special Ed	Scranton High School	9/2/2020				
5 Lindsey Vollrath	Special Ed	Monticello	9/2/2020				
6 Maggie Bryan	Reading	West Scranton Intermediate	9/2/2020				
7 Basil Bannister	English	English	9/2/2020				
8 Nicole Ferguson	School Nurse	Armstrong Elementary	9/2/2020				
G. COACHING RESIGNATION							
1 Lak Sphabmixay	Ass't Varsity Soccer Coach	West Scranton High School	9/1/2020				

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G-1-914

Approve First Read Policies: **103**-Discrimination/Title IX Sexual Harassment Affecting Students **104**-Discrimination/Title IX Sexual Harassment Affecting Staff;**111**-Lesson Plans; **203**-Immunizations and Communicable Diseases; **209**-Health Examinations/Screenings;**247**-Hazing; **249**- Bullying/Cyberbullying; **252**-Dating Violence; **309.1** (New) Telework; **314**-Dating Violence; **317.1**-Educator Misconduct; **318**-Penalties for Tardiness; **331**-Job Related Expenses; **332**-Working Periods; **334**-Sick Leave; **340**-Responsibility for Student Welfare; **705**-Facilities & Workplace Safety; **803**-School Calendar; **824**(New)-Maintaining Professional Adult/Student Boundaries; **904**- Public Attendance at School Events; **907**-School Visitors.

ALSO

G-2-914

Approve First Read Policies: 309.1-Telework and 824-Maintaining Professional Adult/Student Boundaries.

ALSO

G-3-914

Approve first read of the proposed Capital Eligibility Policy. Amendments are pending review of PSBA.

The capital eligibility policy is intended to distinguish those items and activities funded in the operating budget from those funded in the capital budget. This is critically important to ensure the proper use of bonds or other kinds of debt financing – in particular, to ensure that such funds are spent on items that have a useful life equal to or greater than the amortization period of the debt. This policy is also intended to help the Scranton School District (“the District”) distinguish the costs of maintaining its capital assets, i.e., budgeting properly for items and services in the operating budget to keep capital assets in proper working condition during their useful lives.

[..\Resolutions\Motion to Approve First Read Capital Eligibility Policy 9.14.2020.pdf](#)

ALSO

G-4-914

Approve Second Read Polices: 146.1-Trauma-Informed Approach and 253 – Gender Identity and Expression.

ALSO

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G-1

Approve Second Read Polices:

103-Discrimination/Title IX Sexual Harassment Affecting Students ,104-Discrimination/Title IX Sexual Harassment Affecting Staff;111-Lesson Plans; 203-Immunizations and Communicable Diseases; 209-Health Examinations/Screenings;247-Hazing; 249- Bullying/Cyberbullying; 252-Dating Violence; 309.1 (New) Telework; 314-Dating Violence; 317.1-Educator Misconduct; 318-Penalties for Tardiness; 331-Job Related Expenses; 332-Working Periods; 334-Sick Leave; 340-Responsibility for Student Welfare; 705-Facilities & Workplace Safety; 803-School Calendar; 824(New)-Maintaining Professional Adult/Student Boundaries; 904- Public Attendance at School Events; 907-School Visitors.

ALSO

H-1-914

The School District of the City of Scranton is subject of administration proceedings and civil suits, wherein the appropriateness of the student's special education program has been challenged or suits have been filed in matters of:

NS ODR# 23482-19-20

The parties have reached a settlement agreement in this matter upon the terms and conditions previously provided for your consideration and the settlement (s) as indicated above be approved upon the terms and conditions as described and the Superintendent or Director of Special Education are hereby authorized to execute any and all documents necessary to consummate the matters.

ALSO

I-1-914

A motion was made by Director McAndrew to approve Western PA School for the Deaf (WPSD) contract to transport, to and from, three (3) school children attending WPSD from its Camp Hill location to WPSD in Pittsburgh.

\$6,710.00 per child for services. Total \$20,130.00

END CONSENT AGENDA

B-4

To approve the 2020 General Obligation Bonds Authorizing Resolution Authorizing the adoption by the Board of School Directors of the School District of the City of Scranton of a Resolution authorizing issuance of one or more series of general obligation bonds (the "Bonds") for the purpose of funding a project consisting of the following: (1) planning,

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designing, acquiring, constructing, installing, furnishing and equipping of alterations, renovations, additions and improvements to existing facilities of the School District; (2) purchasing capital equipment for use in or in connection with the facilities of the School District; (3) additional capital projects of the School District to the extent approved by the Board of School Directors of the School District; (4) funding capitalized interest on the Bonds; and (5) paying the costs and expenses of issuance of the Bonds, all as more fully described in the complete text of the Resolution.

Financial Impact: Aggregate Principal Amount not to exceed \$42,500,000.

Motion made by Director Yanni, Seconded by Director Hume.

Motion passed unanimously on roll call.

ALSO

E-4

To Approve Change Order for Datom on Sumner Abatement Project

Motion to approve asbestos abatement Bid Packet #2 Change Order

Financial Impact: \$12,020.

Motion made by Director Hume, seconded by Director Dempsey, passed unanimously on roll call.

ON THE QUESTION:

Director Yanni asked Pat Laffey to briefly explain change orders.

Mr. Laffey said a change order for a project like this would be any cost that would be incurred above of what was previously authorized and as Mr. Dougherty spoke of at the work session the overall summer abatement projects both packages #1 and #2 came in combined under the two awarded amounts but this project due to additional scope of work that was discovered incurred an additional \$12,000. Mr. Laffey explained that Policy 831 requires board approval of any change orders over \$5,000 and that is why it is presented this evening.

ALSO

E-5

To Approve Wayco for ITE Access Road

Award RFP for Isaac Tripp Access Road

Financial Impact: \$49,751.44

Motion made by Director Hume, seconded by Director Dempsey, passed unanimously on roll call.

ON THE QUESTION:

Director Hume asked Mr. Dougherty to remind the public that this is the access road to Isaac Tripp Elementary which has been on ongoing problem since the construction of Isaac Tripp Elementary.

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Mr. Dougherty explained the road has never been paved since the building opened and over the years erosion occurred and will be used for buses to the school.

ALSO

B-5

To Approve Capital Improvement Bill List

Approve Capital Projects Bill List.

Financial Impact: \$370,089.35

Wayco Inc. 9/14/2020 \$49,751.44 Isaac Tripp Access Road

Lycoming Supply 9/17/2020 \$141,547.62 Summer Bid Package #1 final payment

Datom Products 8/21/2020 \$99,340.00 Summer Bid Package #2

Datom Products 9/18/2020 \$12,020.00 Summer Bid Package #2 Change Order

Cocciardi and Assoc. 8/31/2020 \$56,793.00 Abatement oversight, project management, Air TEM and PCM

Greenman Pederson 9/18/2020 \$3,250.00 Isaac Tripp Access Road – awarded May 2020 \$19,200, paid \$13,750 to date

Greenman Pederson 9/18/2020 \$6,000.00 SSIS Boilers – awarded 6/1/2020 for \$37,500

Hunt Engineers 4/29/2020 \$1,387.29 Willard Water Infiltration – outstanding invoice from project award May 6, 2019.

Motion made by Director Hume, seconded by Director Dempsey, passed unanimously on roll call.

ALSO

B-6

To Approve Amendment to Appraisal Services Proposal from Valbridge Property Advisors

Approval the amendment to the proposal for appraisal services from Valbridge Property Advisors-previously approved on June 29, 2020

650 Wyoming Ave - \$3,750 amended to \$4,250 or a \$500 increase

614 and 620 Wyoming Ave - \$5,000 amended to \$6,500 or a \$1,500 increase

Financial Impact: \$2,000

Original proposal only included tax year 2020. Increase fee will add 2021 tax year to the appraisal report with the potential for an increase in assessment.

Motion made by Director Yanni, seconded by Director Welby, passed unanimously on roll call.

ALSO

C-1

To Approve Collaboration with the Wright Center

Approve to collaborate with the Wright Center to share information with our families regarding various services offered:

- Via website, Google Classrooms, Social Media and at the building level once open.
- Promote free employee self-care, wellness initiatives that will be offered by the Wright Center
- Pilot student and family support groups at Charles Sumner, Adams and Kennedy with a tentative start date – 2nd quarter.

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- Added support at the building level for additional counseling services for students and SSD families with more information to be announced.

The team will continue to collaborate with the Wright Center throughout the year to collect data and improve programming and meet the needs of our students, staff and community.

Motion made by Director Cruz, seconded by Director Malloy and duly passed 9-0.

ON THE QUESTION:

President Gilmartin asked if this agreement interferes with any advertising rates established at many of our facilities.

Mrs. McTiernan said that has not been mentioned to her at all. Mr. Gentilezza did not think it would interfere in anyway.

President Gilmartin to Dr. Finan, Ms. Gilmartin knows they discussed rental rates schedule as part of the recovery and asked if there has been any discussion of the advertising plan and if she has any reservations about this.

Dr. Finan said they have not had any discussions about the advertising plan but it is something they should look at moving forward.

Ms. Gilmartin asked if there is a timeline with this agreement. Mr. Gentilezza said as the motion states it will start around the 2nd quarter and go forward from there and thinks it is something we would like to do as long as possible.

Mrs. McTiernan added that Mrs. Duffy has informed her there are no fees whatsoever.

Mr. Dougherty said he doesn't think this will tie our hands with offering other services with any other agency, we have had a long partnership with the Wright Center as they have a facility at West Intermediate where they have been servicing the whole West Scranton community and if people walk in there without insurance they are seen and this is an extension of services and he doesn't think we are under any obligations to use only the Wright Center.

Mrs. McTiernan added it is free services and doesn't see anything that is tying us to anything.

Ms. Gilmartin said essentially there is no contract, there is an agreement and if we're not happy we can move forward at anytime if we feel this isn't a good fit and move on.

Mr. Dougherty said Mrs. Duffy is connecting with him and said there is no contract and it is simply a community partnership.

ALSO

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To Approve Donation from DonorsChoose.com to Neil Armstrong Elementary
Donations from DonorsChoose.com to Neil Armstrong Elementary for Speech Therapy. Items include computer, printer and webcam. Donations total \$614.00.
Director McAndrew made a motion, seconded by Director Yanni passed unanimously on roll call.

ALSO

D-1

To Approve South Intermediate Title I Schoolwide Plan
Approve Title I Schoolwide Plan for South Scranton Intermediate School.
Director Cruz made a motion, seconded by Director Malloy and duly passed 9-0.

ALSO

E-1

To Approve GPI Civil Engineering Study and Documentation Preparation for Memorial Stadium
Motion to Authorize Greenman-Pedersen (GPI) to provide survey and civil engineering services for the Memorial Stadium Track replacement. The scope of the work will include a topographic study, geotechnical investigation, schematic design, preparation of construction documents, assisting with the bidding process, and construction administration.
Financial Impact: \$62,000
Director Hume made a motion, seconded by Director Dempsey and passed unanimously on roll call.

ALSO

E-2

To Approve GPI Mechanical Engineering Study and Document Preparation for District Ventilation Systems
Motion to Authorize Greenman-Pedersen (GPI) to assess the ventilation systems in all district schools and the Administration Building. The scope of the work will include building surveys to assess the age and functionality of each ventilation system. An assessment report will be provided, itemizing recommended system corrections.
Financial Impact: \$29,500 for engineering services.
Director Malloy made a motion, seconded by Director McAndrew and passed unanimously on roll call.

ON THE QUESTION:

Director Hume asked Mr. Dougherty to explain the background of this.

Mr. Dougherty said the recommendation came from PFM knowing the age of our buildings and thought it would be a good idea to do a study to make sure our ventilation systems are functioning properly in the 21st century and working efficiently.

ALSO

E-6

To Approve Disposal of Assets at Northeast Intermediate
To approve the disposal of assets at Northeast Intermediate School. Northeast Administration has prepared a summary of the items to be disposed of that are no longer usable. This will assist NEIS in preparing for the eventual return to in person instruction.
[..\Resolutions\Motion to Approve Disposal of Assets NEIS 10.5.2020.pdf](#)

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Director Hume made a motion, seconded by Director Dempsey and passed unanimously on roll call.

ON THE QUESTION:

Director Malloy asked for a brief summary of what is being proposed.

Mr. Joseph Hanni, principal at Northeast Intermediate explained that one of the issues they had during the asbestos situation in the school is there were many items that were stored throughout the building for probably 40-50 years and some of the items were taken out because they were covered in asbestos and taken out by the appropriate companies but the maintenance department went through all storage areas and the items that are on this list are either in disrepair or items that are useful that cannot be stored in our building so if other buildings need something such as a file cabinet they can take it or we have to determine how to get rid of them.

Mr. Laffey added that the school board policy 706 deals with school district property and assets and corresponding administrative regulation that requires board approval for the disposal of any asset over \$4,000 and as Mr. Hanni noted these items have been in storage for many years and records for these items are non-existent and they felt it best to have board approval to dispose of these items.

ALSO

E-3

To Approve Cocciardi & Associates to Complete a Study and Prepare Construction Documents for the 1904 Section of Northeast Intermediate

Authorize Cocciardi & Assoc to provide a study and services to remediate and reoccupy the 1904 section of Northeast Intermediate School. The scope of the work will include a study to address the asbestos containing materials in the ventilation system, preparation of bid documents, assisting with the bidding process and construction administration.

Financial Impact is listed in the proposal. Estimated cost of \$2470-\$4590 for Part 1. Part 2 \$5720-7850 and Part 3 are hourly rates. Director Hume made a motion.

ON THE QUESTION:

Ms. Gilmartin asked if she covered all of the financial impact. Mr. Dougherty responded that phase 3 is actually the construction administration piece and that cost will vary based upon the scope of work that is determined and how it's going to be done and is very similar to how Cocciardi has been supervising other projects that we had ongoing and this is the first step for us to reoccupy the old section of Northeast Intermediate should the board decide to move forward with this project.

Director Dempsey asked to clarify the \$300 per hour is essentially for project oversight and for labor costs.
[..\Resolutions\Motion and attachment to Authorize Cocciardi study 1904 section Northeast 10.5.2020.pdf](#)

Ms. Gilmartin clarified the costs as indicated in the attachment and those costs will be determined as this project goes forward.

Motion passed unanimously on roll call.

ALSO

F-1

To Approve Personnel Report

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

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BOARD AGENDA FOR OCTOBER 8, 2020							
NAME	POSITION	LOCATION	EFFECTIVE DATE	REPLACED	NEW	SALARY	
A. PROFESSIONAL RESIGNATION							
1 Nicole Weber	Grade 1 Teacher	Sumner Elementary	10/1/2020				
B. PROFESSIONAL APPOINTMENT							
1 Walter Kulasinsky	Sp. Ed-Emotional Support	West Intermediate	9/15/2020	X. C. Matis		\$ 41,055.00	Pro-Rated
2 Nicole Sinclair	Sp. Ed-Emotional Support	Whittier Elementary	10/6/2020	X. R. Johnson		\$ 38,377.00	Pro-Rated
3 Leigh Anne Machowski	Grade 6 Science Teacher	West Intermediate	10/13/2020	X. A. Musto		\$ 45,116.00	
4 Patrick Hein	Music Teacher .8	Scranton High School	9/30/2020	X. L. Burdett		\$ 37,576.80	Pro-Rated
C. RECOMMENDATION FOR LONG-TERM SUBSTITUTE POSITION							
1 Theresa Sweeney	Grade 3	Sumner Elementary	9/21/2020	X. C. Schoen		\$ 38,377.00	Pro-Rated
2 Brianna Shulde	Social Studies	Northeast Intermediate	10/1/2020	X. J. Kirby		\$ 38,377.00	Pro-Rated
D. NON-PROFESSIONAL RETIREMENT							
1 Larry Roche	Maintenance	Stadium	10/5/2020				
2 Mary Ann Luther	Paraprofessional	Whittier Elementary	9/11/2020				
E. NON-PROFESSIONAL RESIGNATIONS							
1 Jacob Simon	PCA	McNichols Plaza	9/29/2020				
F. PROFESSIONAL CONTRACTS							
1 Jessica Costantino	Special Ed	Monticello	9/2/2020				
2 Tara Cummings	Math	Northeast Intermediate	9/2/2020				
3 Valerie Cadugan	Special Ed	Prescott Elementary	9/2/2020				
4 Brionna Kasper	Special Ed	Sumner Elementary	9/2/2020				
5 Melinda Conforti	Grade 4	Kennedy Elementary	9/2/2020				
6 Megan Johnson	Teacher	Monticello	9/2/2020				
7 Annette Shepherd	Math	West Scranton High School	9/2/2020				
G. COACHING APPOINTMENT							
1 Michael Gowarty	Asst Varsity Soccer Coach	West Scranton High School	9/1/2020	X. L. Sphabmixay		\$ 2,853.00	
2 Jamie Higgins	Equipment Manager	Scranton High School	9/2/2020	X. J. Maloney		\$ 1,710.00	
H. COACHING RESIGNATION							
1 Sara Schmader	Head Swim & Dive Coach	West Scranton High School	9/2/2020				

ON THE QUESTION:

Director Cruz, on behalf of the Scranton School Board congratulated new hires and thanked those leaving for their years of service and dedication.

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Director Yanni asked to clarify that this is the motion to approve the personnel report. Ms. Gilmartin confirmed it is F-1, to approve the Personnel Report.

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

ALSO

F-2

To Approve Furloughs

Motion to furlough with regret effective 12:00AM Friday October 9, 2020, all paraprofessional/PCA positions, 6 Intervention Specialists, 2 level 2 Intervention Specialists, 4 part-time maintenance, 1LPN (Prescott/Willard), 1 clerk at South Intermediate, 64 crossing guards; and to authorize the superintendent to recall any furloughed employee as needed. Prescription benefits will terminate, per contract, the first of the month after 30 days from the last day of work (December 1st). Medical benefits will expire the last day of employment.

Director Hume made a motion, seconded by Director Malloy.

ON THE QUESTION:

Director Yanni thinks that if we were to do this properly we would only furlough staff who truly have no work and we would save our district financially. However we would also furlough an equal percentage of administrative staff and most importantly we would provide health insurance to all furloughed staff just as the Pennsylvania Public Schools of Norristown, Erie, Hazleton Area and Pennsbury are currently doing. Mrs. Yanni said that we speak about the strength in our community in regards to the asbestos and this would be the right thing to do for our taxpayers and save ourselves financially where we can. If we could provide health insurance for our employees in a world-wide pandemic and these are the people taking care of our children in our schools, we're telling them you've been working in buildings that are under investigation for lead and asbestos and that because you work in Scranton School District and not in another school district you don't get to have health insurance while you're furloughed. Mrs. Yanni said that until they can figure out how to get health insurance for the furloughed staff she will be continuing to vote no.

Director McAndrew said he has voted no in the past for this and he doesn't think it is fair across the board and thinks there are some administrators that their duties cannot be performed. Mr. McAndrew hopes we are in a hybrid model sooner than later and since we are already in the second week of October we may be calling people back relatively soon. Mr. McAndrew will again be voting no.

Director Hume said the furloughs no way diminish the role or the contributions the paraprofessionals have made to the district and every member of this board values and appreciates their role. Ms. Hume added there are obligations to students, staff and the taxpayers, this is an incredibly difficult decision they do not take lightly and unfortunately this global pandemic has interrupted every way of life, institutions and business and unfortunately she

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regrets she will be voting yes but in no way has anything to do with the role and services of the furloughed staff.

President Gilmartin asked Sara Picard of Millennium to join the meeting as they all realize the impact of the loss of insurance this has had.

Sara Picard said they were asked to initiate the COBRA paperwork of furloughed employees and then they were informed there was an injunction so they terminated 143 individuals and then had to go back and manually reinstate them. When a member did contact them related to their coverage they did inform them they were being put back into the system and if they did have a treatment or a balance bill of any kind they should forward that information to Millennium and it would be adjusted and re-adjudicated. Ms. Picard said she heard some of the public speak and assured them all that if there is any issue related to their coverage during that lapse of time they will certainly make them whole and get it resolved. Ms. Picard added that Highmark indicated to them they had to reinstate everyone manually so that was part of some of the delay.

Director McAndrew asked if any correspondence in a letter or email were sent to the employees.

Ms. Picard responded that was part of the conflict because the COBRA letters were sent out and then they had to rescind them so everyone thought they had no coverage because they received a COBRA letter.

Director McAndrew asked if any communication was sent to the employees.

Mrs. McTiernan did not want to speak for Mr. Castrovinci since he was not in attendance this evening but he was taking all of the phone calls.

Director Malloy spoke about them hearing from the administration that there is no work for our paraprofessionals and also hearing from some of our paraprofessionals and teachers that there is work and some work could be found for them during virtual learning which makes it a close call for him and he echoes what Director Hume said about how awful this whole thing is and how awful he feels about it and he is not that far from where Directors Yanni and McAndrew are but we're also hearing about compassion and a fact of the matter is that he doesn't perceive his role as a school board director as permitting him to be compassionate with taxpayer dollars and that is why he is leaning towards voting yes on the furloughs.

Director Dempsey echoed Director Malloy adding that her head and her heart are not aligned but ultimately this isn't her money to spend. Mrs. Dempsey said she is a rule follower and the medical benefits by contract expire; it doesn't feel good but there are things in life that it is what it is so her vote will be yes tonight.

Director Yanni wanted to remind her fellow directors that they have been told by administration that we are not furloughing staff for economic or financial reasons; we are furloughing because there is no work so she thinks that needs to play into their decision as well.

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Director Gilmartin thinks they are all very clear on that and certainly thinks their colleagues are just trying to reiterate the fact that this is not a cold hearted decision but it is important to think about the discussion of Act 13 and that by expiration it only strengthened the guidelines that the School Code provides that we are in fact prohibited from compensating individuals for work that does not exist at time. Ms. Gilmartin is also a rule follower to the best of her ability and she thinks Directors Dempsey and Malloy make a very good point that although any of us would love to just sign the check and do what we can to support our neighbors it is not in the purview of a school director to expend funds that are not necessary and that is the situation they find themselves in. Ms. Gilmartin added that the administration is telling them there s no work and she is hearing what people are saying and understand that this motion also authorizes the Superintendent to call back those employees that are needed and she thinks everyone has done their best to do this as respectfully as they can and cannot imagine there isn't anything they can do to soften the blow of a furlough at anytime and certainly not right now. It is with regret that she will be casting her vote tonight.

Director Dempsey clarified that her sentiments are not in paying to not furlough it is if we were to continue to pay the benefits it would by and large break the contract and the district does have to pay a portion of the benefits and so that is the taxpayer dollars she is referring to. Mrs. Dempsey completely understands that furloughing the paraprofessionals is related to work specifically and her obligation as she understands, if they were to potentially extend health care benefits that would then be taxpayer dollars paying for medical coverage of an individual no longer employed and going beyond the expiration of a contract that has an end date based on their furlough date.

Director Hume knows the board asked Mr. Audi to investigate every possibility and looked for ways to do this legally and could not find a way to extend health benefits in a way that did not put the school district in breach of the regulations and put the district in jeopardy of further legal action from many sources. Director Hume expressed deepest apologies.

The motion passed with seven (7) affirmative and two (2) negative votes. Directors McAndrew and Yanni voted in the negative.

ALSO

G-1

To Approve and Adopt Anti-Racism Resolution

Approve Resolution as attached supporting the development of an anti-racist school climate.

[..\Resolutions\Antiracism-Board-Resolution 10.8.2020.pdf](#)

Director Malloy made a motion, seconded by Director Cruz and duly passed 9-0.

ON THE QUESTION:

Director Cruz is happy to see this being proposed in our district as over half of our students of color and multi-cultural backgrounds.

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Ms. Gilmartin announced the resolution is available for review in BoardDocs but read the following: Now, Therefore be it resolved that the Scranton School Board, unequivocally stand firm in our collective responsibility to foster an equitable and inclusive environment for every student, staff member, parent, and community member. We commit to use our role as school board directors to recognize, respond, and speak out against injustice and racial inequity in our school community.

ALSO

H-1

To Approve 2020-2021 NEIU Services Agreement

Approve Northeastern Educational Intermediate Unit #19 (NEIU19) Agreement for Special Education Programs and Services for the 2020-2021 School Year.

Director Malloy made a motion, seconded by Director McAndrew and passed unanimously on roll call.

ALSO

I-1

To Approve Northeastern Transit Contract to Transport WPSD Students to Camp Hill

Approve Northeastern Transit Contract transporting two Western PA School for the Deaf students to Camp Hill PA at \$395.00 per trip. Students are transported on Sundays to Camp Hill and Fridays back home) 66 trips X \$395.00 = \$26,070.

Director McAndrew made a motion, seconded by Director Dempsey and passed unanimously on roll call.

At this time Director Dempsey took the time to thank Mr. Bert Gentilezza for his assistance as they had their first Equity Committee meeting developing and Equity policy. Mrs. Dempsey also thanked Mr. Robert McLeod and Mr. Phil Odom for bringing their stories and insight to the table.

Ms. Gilmartin thanked everyone for their patience this evening and will return on October 19, 2020 for Policy and Education committee meetings and hope to return to a brick and mortar learning environment as soon as possible and will be paying attention to CDC guidelines.

There being no further business a motion to adjourn was made by Director Dempsey, seconded by Director Malloy and the meeting adjourned at 9:35PM.

THE UNOFFICIAL MEETING MINUTES OF SEPTEMBER 14, 2020 WILL BE ACCEPTED AS A REFERENCE ONLY ATTACHMENT OF DISCUSSIONS. [9.14.2020 Board Meeting.pdf](#) THE MOTIONS ON SEPTEMBER 14, 2020 WERE DEEMED TO BE IN VIOLATION OF THE SUNSHINE ACT AND THEREFORE NOT EFFECTUATED UNTIL OCTOBER 8, 2020.

By: _____

September 14, 2020

SCRANTON, PENNSYLVANIA

The Scranton School Board of Directors held a regular board meeting on Monday, September 14, 2020 via Zoom at 7:00pm prevailing time.

President Gilmartin called the meeting to order at 7:40pm with a Pledge of Allegiance to the Flag.

Roll Call: By the Secretary.

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

Absent: Director Fox.

President Gilmartin announced Director Fox has recently welcomed her new baby boy into this world and wished everyone well wishes.

At this time, since there were technical issues live streaming the meeting, Director McAndrew asked if IT would continue to work on making the meeting available to the public.

Mr. Paul Dougherty assured that they would continue to try. Ms. Gilmartin clarified that the notice has been made to Facebook of the technical issues and announced the meeting will be recorded and be made available on ECTV afterward.

President Gilmartin asked if there were any requests to remove items from the Agenda. Hearing none, a motion to approve the agenda was made by Director Dempsey, seconded by Director Welby and duly passed 8-0.

Communications to the Board

Virginia Orr, Secretary announced executive sessions to discuss real estate, litigation, personnel and negotiations were held on June 10, 2020, June 29, 2020, July 27, 2020, August 3, 2020, August 27, 2020, August 31, 2020 and this evening, September 14, 2020.

Ian Tyson and Nicole Westerman from PFM presented the following regarding the Capital Improvement Plan:

<..\..\Downloads\PFM Capital Program Update 9.14.2020.pdf>

Dr. Finan clarified one point that there was mold in Armstrong Elementary and we did mitigate that and remediate but we were never able to fix the air conditioning so the HVAC system needs to be totally replaced.

Hearing no questions from the board the meeting proceeded.

Solicitor's Report

Attorney Audi reported that the motion last week to approve the furloughs, which was tabled, you will see 18.01, F-1 on the agenda, that motion has been put back on the table consistent with Roberts Rules of Order. It was put back on the table precisely as was taken off the table therefore the dates are incorrect and there may be some amendments so when there is a motion on this, there will need to be a friendly motion to amend and correct the dates and any other changes the board may want.

Superintendent's Report

Superintendent Melissa McTiernan reported that as of today, September 14th there are six buildings that remain open and they are West Scranton High School, Scranton High School, John F. Kennedy Elementary, Whittier Elementary, Isaac Tripp Elementary and Neil Armstrong Elementary. The remaining schools will be closed and she wanted to make sure the school community knows where our maintenance staff, our paras and teachers will be located if they are reporting to work. At Kennedy Elementary there will be Mrs. Ardistani from the Plaza, Mr. Coleman from Robert Morris and Mrs. Coyne. At Whittier Main, there will be Mr. Wolff and Mr. O'Donnell from Prescott. At Isaac Tripp there will be Principal of Tripp Mr. Emiliani, Ms. Duffy from Sumner and Adams and Mrs. McConologue who is an Assistant Principal overseeing Adams. At Armstrong, Mr. Lazor, Principal of Armstrong, Mr. Budd, new Principal at Willard and Mrs. Phillips from Bancroft. All staff from E.C.A. and South Intermediate will report to Scranton High and West Intermediate and Northeast staff will report to West Scranton High School.

Mrs. McTiernan encouraged parents that if they have any questions they should email their building principal.

Mrs. McTiernan announced that meals will be provided at the six open schools (mentioned above). Breakfast and lunch will be bundled and distributed at 10AM – 1PM on Mondays (for Monday and Tuesday) and on Wednesdays (for Wednesday through Friday). This schedule will remain in effect until further notice.

Mrs. McTiernan thanked the Technology Department along with all of the technicians who helped out greatly with technical support and announced there are three options for issues available to the community – 1) Zoom; available between 10AM- 12Noon, 2)GoogleHangouts; available between 10AM-12Noon and 3) Support Ticket; available 24/7. If there are concerns how to log on or any other issues to go to the Distance Learning Portal on the Scranton School District webpage.

Mrs. McTiernan thanked the school community, she knows it has been difficult for many of us, it's a totally new adventure in so many ways and we are working 24/7 to try to make sure all of the issues are taken care of and to please bear with us and we know there are issues with the elementary program and hopefully by the middle to end of the week all of those issues will be resolved.

PSBA Report

Director Dempsey reported the following:

PSBA News - Sept 2020

Interim Final Rule Update:

Education Secretary Betsy DeVos has backed down on a rule that was arguably going to allot more federal aid than Congress had intended to private schools. On Friday, September 4, federal judge Dabney Friedrich ordered the rule be vacated. After facing pushback, the Department of Education had pivoted to say that private schools could receive and use this funding for poor students; school districts argued that such a change in the distribution of funds intended to support poorer students was difficult to implement and counter to the goal of federal investments in public schools. Friedrich was the third judge who ruled that the regulation violated the law.

PSBA Liaison Highlights:

Advocacy Alert - General Assembly may consider liability protections: As the General Assembly prepares to return to session in early September, one of the first orders of business may be to consider liability protections for schools during the pandemic. PSBA is working with legislators in the Senate and House of Representatives to explain the need for schools to have carefully balanced safeguards that provide protection without shielding willful or negligent misconduct. Look for a *Legislative Alert* that will include a letter that you can send to your legislators.

PSBA calls for flexibility on emergency drills, testing requirements: PSBA has asked the PA Department of Education (PDE) for flexibility and direction on two key issues: 1) The requirement for schools to conduct emergency and bus evacuation drills (conducting drills will be incredibly difficult while ensuring social distancing); and 2) The administration of state academic assessments including Keystone Exams; especially for those districts utilizing a hybrid or virtual model.

USDA extends school nutrition waivers until September 30: The U.S. Department of Agriculture (USDA) issued a series of short-term waivers for summer food service programs that were set to expire on August 31. The new waivers will expire on September 30.

PDE releases federal money for targeted support: PDE announced the release of \$17 million to help improve educational services for schools designated for Additional Targeted Support and Improvement (ATSI) under the federal Every Student Succeeds Act (ESSA).

- Four schools within SSD were awarded dollars
 - Scranton High School - \$160,590
 - West Scranton High School - \$117,710
 - WSIS - \$80,706
 - Isaac Tripp Elementary - \$77,122
- PDE releases federal money for targeted support
PDE announced the release of \$17 million to help improve educational services for

schools designated for ATSI under ESSA. The federal Coronavirus Aid, Relief and Economic Security (CARES) Act authorizes governors to determine the educational use of Governor's Emergency Education Relief (GEER) Funds. ESSA requires states to develop plans to designate schools for support and improvement based on the performance of individual student groups in key areas.

- Broadband access issues at the forefront this week

Governor Tom Wolf announced the availability of \$15 million in federal funding for schools to secure broadband, mobile hot spots, and other platforms that increase equitable access to remote learning. Also this week, the Senate considered two important pieces of legislation supported by PSBA that address the need to expand broadband access across Pennsylvania. And, the Joint State Government Commission released a report examining broadband services in the state and providing recommendations to address access challenges.

PSBA Fall Virtual Advocacy Day

OCT 8, 2020 • 8:00 AM - 5:00 PM

Sign up now for PSBA's Virtual Advocacy Day this fall!

All public school leaders are invited to join us for our fall Virtual Advocacy Day on Thursday, October 8, 2020, via Zoom. We need all of you to help strengthen our advocacy impact. The day will center around contacting legislators to discuss critical issues affecting public education.

<https://www.psba.org/event/psba-fall-virtual-advocacy-day>

Public Comment

Roseann Polishan, parent and Special Education teacher, spoke about special education in the district and to advocate for the students, the need of paraprofessionals and PCAs in virtual learning and the needs of her own son. Ms. Polishan said the PCAs, paras, administration, unions and everyone in this district need to adapt otherwise outside agencies will take over their roles.

Rosemary Boland, SFT President, shared that she is receiving text messages that people are locked out of the meeting and unable to get back in to speak and also that live streaming is not working.

Ms. Boland asked for the number of enrolled students and thinks it is important for the public to know the number of teachers who have resigned from the Scranton School District and moved on to other districts and the reasons why they moved on.

Ms. Boland agreed with Mrs. McTiernan regarding the issues of the elementary platform adding that the paraprofessionals are ready and willing and deserve the same training as the teachers so they can assist the teachers and this can be a tool to use in the future not only during the pandemic.

Amy Martin, teacher, urged board to think independently, think about the teachers and students, the importance of paraprofessionals and how other districts found ways to utilize paraprofessionals virtually.

Luann Henahan, SEIU 32BJ President, spoke of the need of behavioral techs, the number of employees that must be maintained under the contract, disagreed with Mr. Audi's

September 14, 2020

statement at the last meeting regarding health care for furloughed employees as other districts are providing health care for their furloughed employees and also added that Scranton School District should have given proper notice to its employees they intend to furlough.

Ms. Henehan feels the district should postpone tonight's meeting since the public cannot view the live stream and they should be mindful of the vote tonight, keep Roberts Rule of Order in mind and adhere to them.

Suzanne Furey, teacher, spoke about the importance of paraprofessionals and their services. Ms. Furey asked that an agenda item be added to agendas to answer questions.

Vivian Williams, parent, expressed concern of the needs of her son and urged the board not to vote tonight without the public's ability to view the meeting. Ms. Williams also spoke in favor of Receivership of the school district.

Roberta Jadick, spoke of the need of paraprofessionals, the services they provide and suggested tabling the furloughs until technical issues are worked out so the public can view the meeting.

Holly Meade, special education teacher, announced she is on Facebook live so the public can view the meeting because she feels they are breaking many Sunshine Laws.

Mrs. Meade spoke of the extraordinary parents reaching out to her for help and how much they have to learn to help their children while they work full time.

Mrs. Meade urged the board to stand up for the families and vote no on the furloughs.

Tanya Fox, Kindergarten teacher, spoke of the need of paraprofessionals and how helpful they are to everyone and urged the board to vote against the furlough of paraprofessionals.

Courtney Novak, Kindergarten teacher, spoke of the need of paraprofessionals and asked what the procedure will be of calling the paraprofessionals back. Urged to vote against the furloughs.

President Gilmartin now recessed for 3 minutes at 9:49. The meeting re-adjourned at 9:51pm. All board members present.

President Gilmartin and Director Yanni asked if there has been any luck live streaming the meeting.

IT indicated there has not been any luck.

Ms. Gilmartin thanked Mrs. Meade for live streaming on Facebook and asked if there was any way more people could do that.

Director Dempsey asked if there was anyone who would be able to live stream from the District's Facebook page as she is concerned the public is not able to participate.

September 14, 2020

Solicitor Audi said he is confident that we are well within the guidelines of the Sunshine Act because all of those people who wanted to speak signed up they're all on here and will have the opportunity to speak and asked the Board Secretary if the speakers are present.

Mrs. Orr responded that there are three or four speakers she is unable to locate.

Attorney Audi added that just like when we have a brick and mortar board meeting if that room is full, the room is full and we have an obligation to record our board meetings and we're doing that and those people who have asked to speak, as far as we know are present in the meeting and have the ability to speak so he is confident that we are not in any way violating the Sunshine Act just as we would if we were in a room that was filled to capacity the district would have the right to say we can't have any more people in this room, we're sorry.

Director McAndrew understood but it still bothers him because this is a big decision and affects a lot of people.

Mr. Audi said they won't have the opportunity to see it live but they will have the opportunity to watch the recording. Mr. Audi said he is not talking about emotionally what's the right or wrong, he thinks they are in complete compliance with the Sunshine Act.

Director Dempsey is concerned because the meetings have prior notice that the public can attend, participate and comment and asked if we are limiting the ability for the public to attend. Attorney Audi said we are not; the public has had the opportunity to attend, the room is full.

Director Malloy asked the Board Secretary if there is any way she can identify the missing speakers and perhaps try to contact them.

Mrs. Orr will try to reach out to the missing speakers by email.

Mrs. Orr informed everyone that she is moving people that she is able to identify into the room of panelists in an effort to free up space so people can log in to the meeting.

Director McAndrew spoke about the technical issues of Zoom and waiting rooms.

Mrs. McTiernan said we are working on this in the background and President Gilmartin asked to continue with comment and we'll assess this situation when that is completed and asked Mrs. Orr to allow as many people we can identify into the panelists room.

Mr. Dougherty also said we are working diligently to get this working, short of holding your own phone up to the screen, but for some reason Zoom is not cooperating with our streaming to any platform.

Mrs. McTiernan suggested that since we have individuals in the public live streaming then we should be able to do that, if we can get one of our individuals to do that on the District Facebook page. Mr. Dougherty will work on that.

September 14, 2020

Christina Horne, teacher, said that if we are not able to get this technical issue fixed tonight so that this meeting is streaming live to any member of the public that wants to view it, she asked that the vote to furlough be postponed or if there is a vote, urged the board to vote against the furloughs. Ms. Horne shared ways that the paraprofessionals can assist virtually.

Ms. Horne also said that a furloughed employee and a non-employee are not the same thing and it is not illegal to continue the health benefits.

Ms. Horne also noticed errors on the personnel report regarding professional contracts.

Marcia Johnson, teacher at Armstrong, spoke against the furlough of paraprofessionals and the services paraprofessionals provide.

Diane Walsh - Mrs. Orr still trying to reach out to Ms. Walsh.

Jennifer Zaleski, spoke against the furlough of paraprofessionals and the necessity of their services and roles and asked about the retirees incentives.

Patricia Carr, spoke against the furloughs of paraprofessionals.

Lisa Tunis – unable to speak.

At this time President Gilmartin announced that Mrs. Ardistani, principal McNichols Plaza is live streaming the meeting on their Facebook page and thanked all who are trying to help out streaming the meeting.

Mr. Dougherty added that the meeting should be going live on the district website also.

Mrs. McTiernan announced that the meeting is also live on Sumner and Adams pages.

Tyrone Holmes, spoke against the furlough of paraprofessionals, asked if anyone in administration has offered to take a pay freeze or pay cut and asked if there have been any administrative furloughs.

Kristin Baun, parent, feels sad for the children in the district, important things being taken away from the students and spoke against the furloughs of paraprofessionals.

Margaret Flynn, paraprofessional, spoke of her role as a paraprofessional and services provided to life skills students. Ms. Flynn urged the board to vote against the furloughs.

This was the end of public comment. Mrs. Orr tried to reach out by email to those unable to speak.

END PUBLIC COMMENT

President Gilmartin announced the meeting is now being live streamed on the district's Facebook page.

September 14, 2020

A motion to approve the meeting minutes of August 31, 2020 was made by Director Cruz, seconded by Director Hume and duly passed 8-0.

A motion to approve the consent agenda was made by Director Malloy, seconded by Director Dempsey and passed unanimously on roll call.

The Consent Agenda included the following: (B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-9, B-10, B-14, D-1, G-1, G-2, G-3, G-4 and H-1)

B-1

List of Bill Payments: \$914,994.95
[..\Resolutions\B-1 Bill List Motion 9.14.2020.pdf](#)

ALSO

B-2

Exception and Summer Bill Payments:
[..\Resolutions\B-2 Bill List 9.14.2020.pdf](#)
July 10, 2020 \$6,588,701.65
July 24, 2020 \$1,006,803.48
July 31, 2020 \$4,180,740.93
August 7, 2020 \$ 860,680.26
August 21, 2020 \$1,321,036.80
August 31, 2020 \$1,691,107.34
September 4, 2020 \$ 606,952.24
 \$16,256,922.70

Payrolls:
July 9, 2020 \$1,966,075.35
July 23, 2020 \$2,061,685.05
August 6, 2020 \$1,948,709.81
August 20, 2020 \$1,928,887.95
September 4, 2020 \$2,307,728.80
 \$10,213,086.96

ALSO

B-3

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

642 Birch St., Map # 15620-010-070, in the amount of \$1,441.25 to Donald Stith.
2014R Jackson St., Map # 14513-010-02601, in the amount of \$1,497.50 to Donald Stith.

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.

September 14, 2020

ALSO

B-4

The Delinquent Tax Report as prepared for the month of June 2020 shows net return to the Scranton School District of \$511,570.43.

	\$449,564.49
Penalty	\$ 43,068.64
Interest	<u>\$ 45,862.95</u>
TOTAL	\$538,496.08
Commission	<u>\$(26,925.65)</u>
NET TO DISTRICT	\$511,570.43

ALSO

B-5

The Delinquent Tax Report as prepared for the month of July 2020 shows net return to the Scranton School District of \$909,661.31.

	\$767,694.47
Penalty	\$ 80,058.42
Interest	<u>\$109,786.33</u>
TOTAL	\$957,539.22
Commission	<u>\$(47,877.91)</u>
NET TO DISTRICT	\$909,661.31

ALSO

B-6

Treasurer's Report for period ending June 30, 2020 as prepared by the Business Office and confirmed by First National Bank.

[..\Resolutions\June 2020 Treasurers Report 9.14.2020.pdf](#)

Opening Balance	\$35,278,759.65
Monthly Revenue	\$22,317,529.19
Transfers and Refunds	<u>\$ 150,913.66</u>
 TOTAL AVAILABLE	 \$57,747,202.50
TOTAL DISBURSEMENTS	<u>\$11,427,966.13</u>
 BALANCE IN GENERAL ACCOUNT	 \$46,319,236.37

ALSO

September 14, 2020

B-7

Treasurer's Report for period ending July 31, 2020 as prepared by the Business Office and confirmed by First National Bank.

<..\Resolutions\July 2020 Treasurers Report 9.14.2020.pdf>

Opening Balance	\$46,319,236.37
Monthly Revenue	\$ 5,768,287.85
Transfers and Refunds	<u>\$ 159,596.40</u>

TOTAL AVAILABLE	\$52,247,120.62
TOTAL DISBURSEMENTS	<u>\$17,079,482.68</u>

BALANCE IN GENERAL ACCOUNT	\$35,167,637.94
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ALSO

B-8

Treasurer's Report for period ending August 31, 2020 as prepared by the Business Office and confirmed by First National Bank.

<..\Resolutions\August 2020 Treasurers Report 9.14.2020.pdf>

Opening Balance	\$35,167,637.94
Monthly Revenue	\$ 3,785,290.05
Transfers and Refunds	<u>\$ 37,728.16</u>

TOTAL AVAILABLE	\$38,990,656.15
TOTAL DISBURSEMENTS	<u>\$ 8,749,781.77</u>

BALANCE IN GENERAL ACCOUNT	\$30,240,874.38
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ALSO

B-9

Per the structure of the 2014 Notes the Scranton School District is periodically required to remarket the 2014 Notes in the public markets- the 2014 Notes were last remarketed in 2018. Under the current terms of the 2014 Notes the School District can remarket the 2014 Notes anytime beginning on October 1, 2020 but MUST remarket the notes prior to April 1, 2021 (mandatory tender date). If the School District fails to remarket the 2014 Notes or refund the 2014 Notes in full prior to April 1, 2021 the full amount of the 2014 Notes will be due and payable by the School District – currently \$27,895,000. The current interest rate market is at or near historical lows given the current global pandemic and global monetary policies. We recommend that the School District take advantage of the current interest rate environment and complete the remarketing of the 2014 Notes as soon as possible. Similar to other remarketing the School District has completed all costs of issuing the remarketing will be paid directly by the School District.

Estimated remarketing fees of \$199,685. Detail attached.

<..\Resolutions\Motion to Authorize 2014 Remarketing Notes 9.14.2020.pdf>

ALSO

B-10

Approve Reimbursement resolution of the General Obligation Bond 2020

The Reimbursement Resolution will allow the School District to reimburse itself from proceeds of the anticipated General Obligation Bond issuance at closing for any cash its spends from its own funds on capital items prior to the closing of the anticipated General Obligation Bond later this year. The School District may incur various costs related to capital projects prior to the issuance of the anticipated General Obligation Bond, these incurred costs are normally paid by the General Fund – this Resolution provides the School District the flexibility to replenish any costs incurred on capital projects prior to the closing of the General Obligation Bond.

[..\Resolutions\Motion to Approve Reimbursement Resolution for 2020 General Obligation Bonds 9.14.2020.pdf](#)

ALSO

B-14

Approve the following professional consulting agreements related to tax assessment appeals

Loch, Elsenbaumer, Newton – Midtown Apartments – estimated fees between \$7,500-\$10,000

Robert Henkleman – Cost sharing agreement between Scranton School District, City of Scranton, Dunmore School District, Borough of Dunmore and the Lackawanna Board of Assessment Appeals – Scranton School District share is \$458.00

Financial Impact estimated between \$7,958 – \$10,458

These agreements are recommended to challenge assessment appeals Midtown Apartments and Marywood University that if approved could result in significant reduction in District tax revenue.

ALSO

D-1

Approval of staff attendance to conferences and meetings contingent upon the required approval of all supervisors, principals, or administration.

Financial Impact: \$1,000.00

Approval of staff attendance to conferences and meetings for professional development relevant to their specific duties and responsibilities.

September 14, 2020

Professional Development Board Meeting: September 14, 2020

	NAME	CONFERENCE/MEETING	LOCATION	COST	DATES	PAID BY	SPONSORING	SUBSTITUTE
						GRANT/ ORGANIZATION	ENTITY	REQUIRED
1	Maureen Walsh	Intermountain AP Summer Institute /AP College	On-Line through Davis School District, Utah	\$500.00	7/06/20 to 7/10/20	Y		N
2	Lara Rink	Intermountain AP Summer Institute /AP College	On-Line through Davis School District, Utah	\$500.00	7/06/20 to 7/10/20	Y		N
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ALSO

G-1

Approve First Read Policies: **103**-Discrimination/Title IX Sexual Harassment Affecting Students **104**-Discrimination/Title IX Sexual Harassment Affecting Staff; **111**-Lesson Plans; **203**-Immunizations and Communicable Diseases; **209**-Health Examinations/Screenings; **247**-Hazing; **249**- Bullying/Cyberbullying; **252**-Dating Violence; **309.1** (New) Telework; **314**-Dating Violence; **317.1**-Educator Misconduct; **318**-Penalties for Tardiness; **331**-Job Related Expenses; **332**-Working Periods; **334**-Sick Leave; **340**-Responsibility for Student Welfare; **705**-Facilities & Workplace Safety; **803**-School Calendar; **824**(New)-Maintaining Professional Adult/Student Boundaries; **904**- Public Attendance at School Events; **907**-School Visitors.

ALSO

G-2

Approve First Read Policies: 309.1-Telework and 824-Maintaining Professional Adult/Student Boundaries.

ALSO

G-3

Approve first read of the proposed Capital Eligibility Policy. Amendments are pending review of PSBA.

The capital eligibility policy is intended to distinguish those items and activities funded in the operating budget from those funded in the capital budget. This is critically important to ensure the proper use of bonds or other kinds of debt financing – in particular, to ensure that such funds are spent on items that have a useful life equal to or greater than the amortization period of the debt. This policy is also intended to help the Scranton School

District (“the District”) distinguish the costs of maintaining its capital assets, i.e., budgeting properly for items and services in the operating budget to keep capital assets in proper working condition during their useful lives.

[..\Resolutions\Motion to Approve First Read Capital Eligibility Policy 9.14.2020.pdf](#)

ALSO

G-4

Approve Second Read Polices: 146.1-Trauma-Informed Approach and 253 – Gender Identity and Expression.

ALSO

H-1

The School District of the City of Scranton is subject of administration proceedings and civil suits, wherein the appropriateness of the student’s special education program has been challenged or suits have been filed in matters of:

NS ODR# 23482-19-20

The parties have reached a settlement agreement in this matter upon the terms and conditions previously provided for your consideration and the settlement (s) as indicated above be approved upon the terms and conditions as described and the Superintendent or Director of Special Education are hereby authorized to execute any and all documents necessary to consummate the matters.

END CONSENT AGENDA

B-11

A motion was made by Director Yanni to Award the RFP for NEIS Portico to D & M Construction at a cost of \$74,803. Director McAndrew seconded and passed unanimously passed on roll call.

ALSO

B-12

A motion was made by Director Yanni to approve the Capital Projects Bill List totaling \$470,729.53. Director Malloy seconded and passed unanimously on roll call.

D&M Construction	Payment #1	7/20/20	\$20,745.67	NEIS Portico - \$74,803 Bid
D&M Construction	Payment #2	8/31/20	\$46,577.02	NEIS Portico - \$74,803 Bid
D&M Construction	Payment #3	8/31/20	\$7,480.31	NEIS Portico - \$74,803 Bid
Cocciardi	19558	7/31/20	\$31,851.50	Abatement Oversight, coordination and consultation
Cocciardi	19584	6/30/20	\$13,594.50	Abatement Oversight, coordination and consultation
Datom	Application #1	7/29/20	\$90,180.00	Summer Bid Pack #2
Palumbo	1977	7/31/20	\$4,703.50	Reimbursable Engineering services from GPI
Lycoming Supply	Application #1	8/12/20	\$174,597.03	Summer Bid Package #1
GPI	298034	7/13/20	\$32,850.00	Neil Armstrong HVAC - awarded May 2020 \$145,000
GPI	298031	7/13/20	\$10,500.00	Isaac Tripp Access Road - awarded May 2020 \$19,200
GPI	298046	7/13/20	\$6,250.00	Memorial Stadium - Awarded June 2020 \$15,750
GPI	300467	8/25/20	\$3,250.00	Isaac Tripp Access Road - awarded May 2020 \$19,200
GPI	300468	8/25/20	\$21,900.00	Neil Armstrong HVAC - awarded May 2020 \$145,000
GPI	300469	8/25/20	\$6,250.00	Memorial Stadium - Awarded June 2020 \$15,750
Total			\$470,729.53	

ON THE QUESTION:

Director Hume noticed the Capital Improvement Bill list includes payments to Datom and to Lycoming and that at the recent meeting of the Environmental Task Force, the minutes are available on the website, and she will give a report next month, but the abatement work over the summer is completed and Northeast Intermediate is, she gathers, 100% asbestos-free and the work that the work came in under budget and on time, very well done.

Mr. Dougherty said that is referring to the newer side of Northeast but we did not move ahead to abate the ventilation system on the old side but he will be providing a full report at the next work session.

ALSO

B-13

A motion was made by Director Yanni to Award Underwriting Service for the 2020 General Obligation Bonds to the combination of Boenning & Scattergood, PNC Capital Markets and RBC Capital Markets. Director Dempsey seconded and passed unanimously on roll call.

Request for Qualifications (RFQ) was issued for Underwriting Services in connection with the School District's anticipated General Obligation Bond issuance. The RFQ is to provide Underwriting services for the first of two anticipated Capital Project Borrowings scheduled per the Recovery Plan, the first of which is currently planned to be issued prior to the end of 2020 in the amount of approx. \$30 million. Proceeds from the borrowing will be used to address the Capital needs of the District as detailed in the Recovery Plan. The School District publically advertised the RFQ beginning July 31, 2020 and proposals were due on August 25, 2020 by 5:00pm. Seven (7) firms submitted proposals by the submission deadline and a summary has been provided for your review (attached).

[..\Resolutions\Motion to Award Underwriting Services for 2020 Obligation Bonds 9.14.2020.pdf](#)

President Gilmartin asked Business Manager Pat Laffey to give a brief overview as to why there are three firms.

Mr. Laffey indicated that seven competitive proposals were received and explained the scoring matrix and why the three firms were presented.

ALSO

C-1

A motion was made by Director Malloy to approve The Wright Center to use West Scranton Intermediate on Saturday, September 19, 2020 for a food drive. Director McAndrew seconded and duly passed 8-0.

ALSO

C-2

A motion to approve Commission on Economic Opportunity/Weinberg Northeast Regional Food Bank Memorandum of Understanding was made by Director Welby; Director Malloy seconded and duly passed 8-0.

Commission on Economic Opportunity (CEO) is a non-profit which operates the Weinberg Northeast Regional Food Bank and is committed to educating low income Pennsylvanians about healthy food choices. The following locations have been selected to conduct SNAP-Ed activities:

Bancroft, Sumner, Willard, Tripp, Adams, Whittier, Kennedy, McNichols Plaza, Armstrong, Northeast Intermediate, Morris, Scranton High, South Intermediate, Prescott, West High, West Intermediate, and Whitter Annex.

Unfortunately, due to COVID school closures and the funder's prohibition against in-person Nutrition education, there most likely won't be in-person/on-site doing education this year, but CEO would still like to renew the two year MOU with the district for several reasons –

- To have it on file for next year, when hopefully students, families and staff can once again gather in person.
- Allow CEO to work with the district – should they desire, to provide virtual nutrition education to students or families
- Allow CEO to work with the district to continue to host the Children's Produce
- Market and provide important food assistance to families

ALSO

D-2

A motion to authorize Superintendent Melissa McTiernan to sign and submit electronically any and all contracts, agreements, grants and/or licenses with the Pennsylvania Department of Education (PDE) was made by Director Welby; Director Dempsey seconded and duly passed 8-0.

ON THE QUESTION:

Director Yanni, although she does not have a problem with this asked if there are issues at this time. Mrs. McTiernan explained that this will simply allow her to submit electronically.

Solicitor Audi added that there are some documents that actually require an electronic signature.

ALSO

D-3

A motion to approve the 2020-2021 Cyber Handbooks was made by Director Welby, seconded by Director McAndrew and duly passed 8-0.

ALSO

E-1

A motion to approve the Contract Extension Agreement between Lackawanna College and Scranton School District for the use of Scranton High School's Baseball and Softball fields for the time period of August 1, 2019 through July 31, 2027 (8 years), and shall pay the Scranton School District One (1) Dollar per year during the term of this agreement. (This is a contract extension of the agreement made on November 19, 2019) was made by Director Hume, seconded by Director Dempsey and passed unanimously on roll call.

ON THE QUESTION:

Director Dempsey asked if this includes all work including irrigation. Mr. Gentilezza said it includes all improvements over the course of the years.

Mr. McAndrew asked if this affects any union contracts. Mr. Gentilezza said no, the maintenance union is on board with this.

ALSO

E-2

A motion to Approve Memorandum of Understanding with University of Scranton Track Team. This is a partnership for the usage of Scranton Memorial Stadium and the baseball field within the Quinn Campus under the terms and conditions in the attached MOU was made by Director Hume, seconded by Director Malloy and passed unanimously on roll call.

ALSO

E-3

A motion was made by Director Cruz to approve to retain the services of Keystone Sports Construction to provide synthetic turf maintenance services for a five (5) year period at a cost total of \$14,250 over 5 years, seconded by Director McAndrew and passed unanimously on roll call.

ALSO

F-1

A motion is in order to furlough, with regret, effective close of business on September 11, 2020, the following positions: 140 paraprofessionals, 6 Intervention Specialists, 2 level 2 Intervention Specialists, 4 Part-Time Maintenance, 1LPN, (Prescott/Willard), 1 Clerk at South Intermediate, 1 Clerk at West Intermediate, 2 Hall Monitors (Northeast and South Intermediate Schools) 2 General Custodians (West High and McNichols Plaza) and 64 Crossing Guards; and to authorize the Superintendent to recall any furloughed employee as needed. Director Cruz made a motion, Director Dempsey seconded.

ON THE QUESTION:

Director Hume asked for a friendly amendment to the motion as follows: A motion is in order to furlough, with great regret, effective close of business on September 30, 2020 the following positions: 140 paraprofessionals, 6 Intervention Specialists, 2 level 2 Intervention Specialists, 4 Part-time maintenance, 1 LPN (Prescott/Willard), 1 Clerk (South Intermediate) 64 Crossing Guards, and to authorize the Superintendent to recall any furloughed employee as needed. Prescription benefits will terminate per contract the first of the month after 30 days from the last day of work. Medical benefits will expire the last day of employment. Director Dempsey seconded.

ON THE QUESTION OF THE FRIENDLY AMENDMENT:

Director Yanni asked Mr. Audi how she can make a friendly amendment on this friendly amendment.

Mr. Audi responded that this needs to be addressed first.

Director Dempsey asked to clarify that the change was that we removed two hall monitors, two general custodians, and one clerk at West Intermediate.

Mrs. McTiernan asked John Castrovinci to verify that.

Mr. Audi also added that there is additional language about prescription benefits which is 30 days from the last day of work which would be November 1st and medical benefits would expire the last day of employment.

Director Hume clarified that we will speak ON THE QUESTION after the friendly amendment is adopted. Mr. Audi agreed.

Director Malloy asked that the friendly amendment be read again. Director Hume read again the following:

A motion is in order to furlough, with great regret, effective close of business on September 30, 2020 the following positions: 140 paraprofessionals, 6 Intervention Specialists, 2 level 2 Intervention Specialists, 4 Part-time maintenance, 1 LPN (Prescott/Willard), 1 Clerk (South Intermediate) 64 Crossing Guards, and to authorize the Superintendent to recall

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any furloughed employee as needed. Prescription benefits will terminate per contract the first of the month after 30 days from the last day of work. Medical benefits will expire the last day of employment.

Mr. Castrovinci clarified Mrs. Dempsey's understanding of the numbers as accurate and repeated 140 paraprofessionals, 6 Intervention Specialists, 2 level 2 Intervention Specialists, 4 Part-time maintenance, 1 LPN (Prescott/Willard), 1 Clerk (South Intermediate) 64 Crossing Guards.

Director McAndrew asked to clarify, that at the last meeting the information we were given regarding the number of employees and also some of the benefits was incorrect. Director Hume disagreed; that the motion at the last meeting was tabled and we are making an amendment to change that motion and it doesn't mean that information was incorrect. Mr. McAndrew said the numbers originally was incorrect. Ms. Gilmartin believes what Mr. McAndrew is getting at is there was confusion and there was some question as to whether the proposed furloughs from the SEIU membership fell in line with the 184 individuals; there have also been some resignations that have impacted those numbers and to answer Mr. McAndrew's question, yes, some numbers have changed since last we spoke.

Mr. Castrovinci added that there were several maintenance employees who exceeded on year on Worker's Comp and in correcting that situation he inadvertently counted them as employees towards the number but they are in fact on indefinite furlough. Director Dempsey asked if that was three employees as part of the total. Mr. Castrovinci said yes, and as Ms. Gilmartin said there have been resignations and such, we were allowed to eliminate two positions and he clarified that with Ms. Luann Henahan.

Ms. Gilmartin asked if he could clarify that 184 and why it is we are beholden to that.

Mr. Castrovinci said it is contract language that we are to maintain a minimum staffing in that bargaining unit.

Director Dempsey, as a parent of four children, responded to public comment that she has had experience with paraprofessionals and they were invaluable but the board has to make decisions adding that her heart and head are not aligned but we have fiduciary responsibilities to the taxpayers and with that said we are furloughing these 140 paraprofessionals however it does state in the motion that the Superintendent will recall employees as needed and she believes the positions that are required by contract to fulfill our obligations for the special needs students and other avenues of education will be met and that is the ultimate goal and that we don't plan on decimating paraprofessionals and not fulfilling our obligations to the students.

Mrs. McTiernan agreed with Mrs. Dempsey, she is correct.

Director Yanni asked to clarify what we are voting on right now.

Ms. Gilmartin responded that we are voting on the friendly amendment, the change in the language.

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Director Yanni asked if she will still be able to make a friendly amendment after this vote. Mr. Audi said, yes, whether it passes or fails she may still make a friendly amendment.

The friendly amendment passed with seven (7) affirmative and one (1) negative. Director Yanni voted in the negative.

Again, Director Hume presented the following motion: A motion is in order to furlough, with great regret, effective close of business on September 30, 2020 the following positions: 140 paraprofessionals, 6 Intervention Specialists, 2 level 2 Intervention Specialists, 4 Part-time maintenance, 1 LPN (Prescott/Willard), 1 Clerk (South Intermediate) 64 Crossing Guards, and to authorize the Superintendent to recall any furloughed employee as needed. Prescription benefits will terminate per contract the first of the month after 30 days from the last day of work. Medical benefits will expire the last day of employment. Director Cruz seconded.

ON THE QUESTION:

Director Yanni would like to make a friendly amendment stating that, after the last sentence where is says to authorize the Superintendent to recall any furloughed employee as needed and instead of medical benefits to expire, that medical benefits are to be extended to employees for the time of the furlough and allow them to pay as they normally pay into that. Director McAndrew seconded.

ON THE QUESTION:

President Gilmartin said we do have Ms. Picard from Millennium Administrators available on the call if we have any questions. Ms. Gilmartin also asked Mr. Audi to reiterate his legal opinion.

Mr. Audi said that as Solicitor to the Scranton School District he offers this legal opinion, not on an emotional level but on a legal level, the question was posed to him – can we extend health benefits beyond the date of the furlough. Mr. Audi thinks that would be very nice so what he first did was to find out whether the policies of the actual health benefits would allow us to do that and he also spoke to Sara Picard and Sara said that if they wanted to do that that is something that the insurance policies would cover and we'd be allowed to do it. Mr. Audi then looked into the School Code and if it would allow us to do this and as he expected, in his 30 years of experience, that it might not. He believed there would be a problem with compensating a former employee for services that have not been rendered. He looked into that and found in the School Code, which he knew existed under Section 513 of the School Code a provision that allows school districts to provide health benefits to its employees and to retirees; that is who it is allowed to provide health benefits to – employees, their spouses, dependents and retired employees. Mr. Audi always knew that and this is the reason that he believes it might be a problem; Section 610 of the School Code talks about the use of school funds and illegal uses of school funds and in the last sentence of that two sentence act it says – the use or payment of any public school funds of any school district in any manner or for any purpose not provided in this act shall be illegal. Mr. Audi said he knows for a fact that under Section 1150 of the School Code schools have been assessed for spending monies under the School Code that they have not been authorized to expend. Mr. Audi took that and placed it on top of this being Scranton School

District where we are under all kinds of investigations, Auditor Generals, newspaper reporters, community, tax payers and he knows if he provides an opinion that says, well, nobody's going to mind if you do pay these poor employees who are being furloughed, if you pay them their health benefits, no one is going to mind. If he gives that advice that you can do that and the community files a lawsuit saying you didn't have the authorization to expend that money, we're going to be having serious problems and the auditors will come in and they will likely assess us fines and penalties. Mr. Audi said he is not going to be responsible for that so he has no choice but to provide the advice that he provided from his firm of Sweet, Stevens, Katz and Williams to this Scranton School District. Mr. Audi knows he heard other school districts are doing this and that may be but he doesn't know what their legal basis is and he doesn't know if they're under the spotlight that we're under and he doesn't agree that it's authorized under the School Code to do this. Mr. Audi said he used as an example this very district that got in trouble for paying a non-employee money through the form of benefits for services not performed and he got yelled at by saying that's a different situation. He agrees the facts are different, that person was never an employee of the school district however once these employees today, if they are furloughed, they're past employees, they're not current employees and legally he doesn't know there's a great distinction; yes, emotionally there's a giant distinction, yes, does he believe that anybody who gets furloughed should have benefits, yes he believes that. Mr. Audi added that his son is furloughed and is not getting benefits, he wishes he were but he could tell you if he gives a legal opinion that states that we're within our rights he doesn't think he would be doing a service to this school district. Mr. Audi would be speaking emotionally and not legally and the way this school district is under the spotlight he doesn't think it would pass unnoticed so unfortunately it's his legal advice and his opinion which has been well vetted by many attorneys in his firm, who have done years and years of school law exclusively, that we're not authorized to expend this money. If this board wants to vote differently that is well within your right to because we can, and Sara Picard will tell you, we can insure anybody we want to, but that's his answer as to whether or not it's legal. He will say that they have found unbeknownst to him that in 2010 there was an agreement between the district and the union for prescriptions to allow employees to have a 30 day grace period. It is written in the synopsis of the prescription plan. He can say we're going to honor that contract, it's equally unlawful for him to say a contract provision is unlawful so that we negotiate it and therefore we won't follow it, that is equally unlawful so we have that provision, we'll live by that provision but he will tell you he asked for the medical benefits plans and they specifically say that a person who has reduced hours on furlough will go on COBRA and that's what that plan says so we're not required to extend those benefits and he doesn't feel that he has the authority to tell this district they can expend that money when he doesn't see where it's allowed for under the School Code.

President Gilmartin asked about the expiration of Act 13.

Mr. Audi responded that another reason that he did take into consideration when he was analyzing this – when March came and COVID came and the schools had to close we found out that we weren't going to be able to keep our bus companies and people who would be furloughed because they would go out and get jobs somewhere else and to prevent that from happening the state passed Act 13 which authorized us to pay past employees for work they haven't performed, contractors, bus contractors, they weren't driving students but we knew we'd lose them because people would wander off and get other jobs and there's a shortage of them and the same with our support staff, we knew there was a likelihood we'd lose them

and the state, to correct that, said you're allowed to pay these people even though they didn't perform a service but you must stop doing so on June 30th, 2020, that it would not extend any further. So when you couple that with the specific restrictions in the School Code he doesn't see how he could give a legal opinion that says go ahead, do the right thing, do the kind thing, do the humane thing and pay these employees benefits because there's going to be taxpayers who are going to say, what about their benefits they lost and they're going to sue us for doing something we didn't have the authority to do.

President Gilmartin, referencing the two policies and asked Sara Picard, of Millennium Administrators, if she would concur that these two documents that Mr. Audi is referencing and what they state is accurate, that the prescription policy does extend 30 days past the date of termination and that the medical benefits policy sends people to COBRA.

Sara Picard agreed that Mr. Audi is correct as he indicated the pharmacy plan document was modified in 2010 with the 30 day grace period and the medical document was never revised to reflect the pharmacy plan document so it's still in place as Mr. Audi indicated and the medical benefits, any individual can be terminated the moment that the district notifies that member, however, on the pharmacy component that does not occur and it occurred because back in 2010 there were a couple individuals that were furloughed and one of the individuals happened to be ill so the administration at the time asked to have that modified because they were going through chemo and the chemo was being administered by a physician so they did not want this person to be left without some form of health care until they found another alternative and that is the history behind those two disparities so the goal going forward will be to bring them together and to match them so we'll have a policy in place that will be solid and firm going forward for situations like this one.

President Gilmartin asked if she would agree that the amendment as state by Director Hume, in inline with these two policies.

Ms. Picard said it is, correct.

Director Malloy asked Ms. Picard to identify herself in the easiest possible to understand terms and what her relationship is to the district.

Ms. Picard replied she is Sara Picard, the President of Millennium Administrators and she is the health care consultant/broker for health care benefits.

Director Yanni, to Mr. Audi, she has the utmost respect for his legal opinion and she understands he is completely doing what he needs to do to protect this board and this district and she absolutely appreciates that and she thinks the public needs to understand that as a board they can't talk other than now, on the floor, so they all have questions and trying to understand everything that's going on so this is when they have to make sense of all of this when they are together as a group because the Sunshine Act does not allow them to speak about all of this otherwise they would come across as having this all together so they're trying to follow the law so one question she has is, and she has been doing a lot of research on this and what Mr. Audi is referring to is the School Code saying that former employees are not eligible for benefits, so the definition of a furloughed employee versus a laid off employee, every definition she reads of furlough says that they are still employees

but they generally do not keep employment benefits such as health care so she asked if that could come into play here and are they still employees of the district.

Mr. Audi said he does not look at it that way because there is no guarantee they will be recalled and he doesn't believe that's true and he thinks she just said it herself when a furloughed employee typically does not continue to receive health benefits. He understands we are in uncharted territory and if he could say give them health care benefits he would.

Director Yanni said she may have miss-spoke – it says people are not paid during furlough but they do keep employment benefits such as health benefits.

Mr. Audi said no, that's not true with School Law, ever and this is the first time he would imagine anywhere in all of Pennsylvania the first period where there's been furloughs where the board might have considered paying the benefits because the expectation is that they'll be back to work fairly soon and during a pandemic it would be a very difficult hardship, he thinks that's the concept behind it and while he understands that, the flip side is there's taxpayers that we're accountable to and they might not feel the same way, they might not feel that their monies can go for the goodwill of those group of employees while they themselves or family members or their neighbors are not getting that same benefit. He needs to take his emotion out of it and give the legal opinion he has and others can differ, he is sure of that, he knows they talked about Hazelton School District and they've gotten opinions from their solicitor, apparently different than ours, but that is our legal opinion at Sweet Stevens and he can tell you that his firm does more school law than almost any other firm in the state if not any other firm in the state, they don't dabble in education law, that's what they do and that's their legal opinion on this matter and he has to stand by it for the reasons he expressed regardless of his emotional impact on it and it breaks his heart as well.

Director McAndrew asked if they may seek the legal opinion of the state.

Mr. Audi said the state will never give you that legal opinion. Mr. Audi added that last March they said go ahead pay people for not performing a service but only do that through June 30th.

Director Dempsey asked if the current prescription plan violates School Code and does the School Code trump the prescription plan.

Mr. Audi said that is a great question and she is putting him in a very difficult position but he'll answer to the best of his ability. He believes it exceeds the School Code however he also knows there is Pennsylvania Supreme Court case law that says once you enter into an agreement the person who entered into that agreement could no longer say that that agreement is unlawful therefore we will not abide by it and he could cite the cases but there's no point in doing that, in fact, ironically, one of those cases is a Scranton case so what goes around comes around but therefore his advice was we need to honor this contract because we would be violating the law on a different level if we didn't do that at least we have the agreement to say that we had an obligation to do this, we've negotiated this obligation. Mr. Audi continued to say, what if we were to say, we'll pay anybody's bill if they ever worked here in the Scranton School District and once they leave we're going to cover them forever, we can't, there's limitations in what you're allowed to pay and what

you're allowed to agree to and he thinks that one is probably hairline, he would not have entered into that agreement but he wasn't here in 2010.

Director Malloy said it seems to him that the gist of this issue is on the interpretation of the term employee in Section 513 of the School Code so if Mr. Audi doesn't mind him asking, does he think that it's Black Letter Law that furloughed employees do not qualify as employees under Section 513 or does he think that there is some level of interpretation possible there.

Mr. Audi said no, he thinks they're former employees, not employees; someone who is on an unpaid leave for example, for a year, that's still an employee, they're still considered active even though they may be getting no salary, no benefits, we know they're coming back but we can't say that of the furloughed employees because we don't know that, we don't know how long it will be. They're former employees, they have a recall right but that doesn't mean they have a recall to employment with this district. Mr. Audi believes its Black Letter, he's never see it interpreted any other way.

Director Dempsey asked if we are still paying the benefits for the individuals that went on Workers Comp that are now considered furloughed employees.

Mr. Audi said we pay their benefits for the year he believes, and then the contract states that after a year they become furloughed and we no longer have to pay their benefits.

Director Hume said that it would seem to her to be precedent then once they went from being on compensation to furlough.

Mr. Audi said that would be the only distinction because they weren't working, they weren't getting paid but there were getting benefits and when we furlough them the benefits ceased.

Director Hume asked why we didn't put people on unpaid leave; but then said, they would not be able to apply for unemployment.

Mr. Audi said that would be correct, they would not be eligible for unemployment which answers that question again that because they are eligible for unemployment it proves that they're not considered an employee at this district.

Director Hume doesn't think anyone wants to do this to anybody but the legal vulnerability of the district if we don't listen to Mr. Audi's legal advice, and she respects his legal advice, she would be extremely concerned about the legal vulnerability adding that we have enough people in this district firing off lawsuits about anything and everything and it's a very difficult place to be in.

Director Dempsey said taking the emotion out of it, we have current employees that are furloughed and we are not paying their benefits, then she thinks it would issue in the regard if we were to furlough and pay benefits for one group and not another it would create a massive issue.

Director Yanni, while she respects Mr. Audi's opinion, she also thinks that there is Hazleton Area, North Pocono, Norristown, all these school that are operating in this global pandemic along with us and we are proposing to furlough our lowest paid employees and put them out there with no health insurance so for her she doesn't have it in her to do it, so if this would be a way to furlough them so that we could save the tax payers some money she feels like it's a drop in the ocean, for what it would be to cover this health insurance for these people; to her this is the avenue she would want to go with this.

President Gilmartin asked Mrs. Yanni to repeat her friendly amendment.

Director Yanni said it would be exactly what Director Hume said up to where the Superintendent may call them back and then she would like to add in to say instead of the medical benefits as Director Hume indicated, for it to say that employees are allowed to continue paying the rate they were paying and able to continue with their health benefits through the furlough.

President Gilmartin now clarified that this vote is on the second friendly amendment, not the main motion and it is just to change the language of the main motion. Ms. Gilmartin repeated this is not a vote on the main motion.

The motion was previously seconded by Director McAndrew.

The motion now failed with seven (7) negative and one (1) affirmative. Directors Cruz, Dempsey, Hume, Malloy, McAndrew, Welby and Gilmartin voted in the negative.

President Gilmartin now clarified this next vote is for the main motion as amended by Director Hume and asked Ms. Hume to read the amended motion again.

Director Hume presented the following motion: A motion is in order to furlough, with great regret, effective close of business on September 30, 2020 the following positions: 140 paraprofessionals, 6 Intervention Specialists, 2 level 2 Intervention Specialists, 4 Part-time maintenance, 1 LPN (Prescott/Willard), 1 Clerk (South Intermediate) 64 Crossing Guards, and to authorize the Superintendent to recall any furloughed employee as needed. Prescription benefits will terminate per contract the first of the month after 30 days from the last day of work. Medical benefits will expire the last day of employment. Director Dempsey seconded.

ON THE QUESTION:

Director Hume expressed her sadness of the furlough saying this in no way is this diminishing or minimizing the role that paraprofessionals play and have played in this district but they are in a very different circumstance that they were in March, we are in a different world, all finding our place and our role and different ways of doing different things and this is something we have been advised that while we are in a virtual situation this is a wise course of action to take for the district financially and administratively. Ms. Hume added this is not something anyone takes lightly, it is awful but she cannot see a way around it. Ms. Hume hopes that the Superintendent will recall employees as needed and certainly our special education people will be taken care of and we can all only hope and pray that we get assistance from the federal government, that we get an improvement in

our whole situation, that perhaps the university students don't party quite as hard and the rates go up (COVID). She hopes to go back to brick and mortar school and that the paraprofessionals return with it. It's not a decision any of us take lightly or dismissing or diminishing the value of the people or without full understanding of the full implications but as a director with fiscal responsibilities to the taxpayers and to the shareholders and taking into account Mr. Audi's researched and thought-out legal advice she's afraid it's a decision they must take.

Director Dempsey asked about the two hall monitors that were removed from the furlough list and what capacity will they operate in within a virtual model and was there a reason for the reorganization of the furlough list in regards to that specific union.

Mrs. McTiernan responded that it was totally based on seniority so it was the two lowest people on the seniority list and again they have to stay at the 184 number of the manning clause and they will be placed in buildings and because of that clause those employees cannot be furloughed.

Director Dempsey asked if they had more seniority than the part-time maintenance employees.

Mrs. McTiernan said the part-time maintenance are a different category so basically there are two individuals from that union that are being furloughed with regards to the 184 clause and they have the least seniority.

Director Cruz asked Mrs. McTiernan or Mr. Audi to please describe what the manning clause is for those who may not know what that is.

Mr. Audi explained that the 32BJ Bargaining Unit has in its contract a provision that says that the district is not allowed to furlough below 184 employees so regardless of the use of the ability to use certain employees during this time, we have no choice but to not furlough them and even if there was zero work for them to do we would not be able to furlough them. Mr. Audi doesn't know when or why that was put in the contract, he's heard some history about it but that's the provision in the contract as we speak.

Director Hume asked Mr. Audi if the employees from that union who are furloughed, that went from Workers Comp to furlough, how long they remain on furlough before they are to return to work or are terminated.

Mr. Audi said the contract provides for indefinite; they will have a recall forever.

Director Hume said it seems unusual and Mr. Audi said it is.

Director Hume asked that even if they are not at any stage fit to work, basically anyone who goes out on Workers Comp can be furloughed and stay on furlough.

Mr. Audi said anyone who is on furlough will remain on furlough indefinitely, forever.

Director Hume said, suppose we had 200 employees and 16 of them went out on furlough we would never be able to furlough anybody else who was actively working.

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Mr. Audi said that is correct, we could not go below 184 employees. Director Hume finds that baffling.

Director Malloy thinks there is some significant clarification required about these special education programs and asked Dr. Baddick some questions.

Mr. Malloy asked Sharon Baddick who she consulted with to design the special education virtual approach.

Ms. Baddick responded that she consulted with the executive team, members of other school districts, the Bureau of Special Education, parents, advocates and a number of different people were involved in the decision to provide a virtual platform. They discussed and contemplated providing services to students with more complex needs in person even if we went virtual, however it is her understanding that the teachers union, the Scranton Federation of Teachers was opposed to bringing in special education teachers to provide instruction to students when the general education teachers would be providing instruction from home.

Director Malloy said he either heard or read or both, something about the special education program, the department, paying psychologists \$500 per evaluation and asked what she knows about that.

Dr. Baddick said that is not an accurate statement, she heard that as well and most of the sub contracted psychologists, all but one actually, receive a per diem rate, they are not paid per evaluation so that is not an accurate statement and if she could point, we are in desperate need of additional school psychologists, we have had a profound shortage for the past several years and we have been unable to attract, hire and retain psychologists because they are bound by the wage stipulations under the SFT contract which are not in line with other school districts so Scranton has not been able to retain psychologists; if they were able to that we would not need to privately contract.

Director Malloy asked if the classroom aides and behavioral techs are written into IEPs or otherwise required.

Dr. Baddick responded that PCAs, yes, are part of an IEP and as such the district is required under the law to provide that as a related service to students with special education needs who are indeed determined the need of that accommodation and support.

Director Malloy asked if Mrs. Baddick would define the acronym PCA.

Dr. Baddick replied PCA is a Personal Care Assistant; it is a direct service provider, written into the IEP. A paraprofessional is not written into an IEP, it is not required under the IDEA. Mrs. Baddick added that we cannot be sued as a school district over whether or not we're providing a classroom aide, that is a fallacy amongst the teachers and the speakers tonight and as a matter of fact, if she may point out that contrary to what was stated by several speakers this evening, she believes it is important for all to know that we are currently not able to fulfill our obligation under these circumstances and the reason we're not able to do that which seems to be the big fear being perpetuated among the speakers

this evening but the reason we're not able to fulfill our obligation at this moment in time is because the SFT has expressed written opposition to the decision that PCAs should go into homes to provide support to students as indicated in their respective IEPs, and in addition it's worth mentioning that multiple PCAs have been contacted by her personally and have expressed refusal to go into homes to provide services to students.

Director Malloy asked what is being done about students who require PCAs.

Dr. Baddick said right now, unfortunately, our hands are tied because we've not been able to put them in the homes because they have refused to go and the union again has expressed opposition to that plan so if they are furloughed and recalled back it will be with the understanding that their job is to service students whether it is in the school setting or the home setting; we have an obligation under federal law to provide supports to these students and the school district is at this point desperate to provide those services. Mrs. Baddick said we are committed to doing that and if we aren't able to do that we're very vulnerable.

Director Malloy added that this is important stuff and that he sees the question before the board is, what is our duty here? With these tough decisions and these awful, awful times, he sees their duty as allowing a school district that's in distress to get as lean as possible as long as the mission, of offering the best possible education, as long as the mission doesn't suffer and he has to trust Superintendent McTiernan and the rest of the administrators that the furloughs, which he likes to think are just for the virtual phase, will not affect the mission to educate the children and that it will be closely monitored and adjusted accordingly.

Director McAndrew said he knows is a tough decision and they heard a lot of speakers the last few weeks and a lot of legal opinion but he is going to vote no tonight because they have multiple schools that are closed, they have information they were given that has been changed multiple times whether it's the amount of people or whether they can or cannot offer benefits and he doesn't think the cuts right now were really looked into deep enough or fair across the board and with all those multiple schools closed, is anybody in a management level or higher being taken into consideration or looking out for cuts at the moment and for that he is voting no.

Director Dempsey knows there has been talk about that and asking for the furlough of administrators doesn't necessarily mean that that they're furloughed; those administrators could bump teachers, so that's a big push and it doesn't necessarily mean that we're saving the district money by asking for VPs to be furloughed because they could potentially push a lower paid teacher out of the district so she thinks we have to get creative and she trusts that Superintendent McTiernan and her administration team are working towards that and constantly reevaluating this as the virtual learning goes on and as she said earlier, her head and her heart are not aligned but she feels like she as a taxpayer, a parent of four children and a wife, she has to look at all aspects of this and she is a logical person and feels like she has to make the decision that's right and responsible for the district.

Director Cruz said her vote of yes tonight is not a judgment on the worth or impact on any of the individuals affected by this evening's decision. Ms. Cruz knows how valuable each of them are in whatever capacity they have served and as evidenced by the many testimonials

both heard and read and what she has witnessed as recently as last Tuesday with her own eyes. Ms. Cruz thanked each and every individual for their dedicated years of service and hope they return as soon as possible.

President Gilmartin doesn't think there's more to be said, the board has done a beautiful job of conveying the value and worth of the individuals who are impacted. Ms. Gilmartin said our goal is to make sure the students' needs are met but also our responsibility to be stewards of public dollars and we are between a rock and a hard place. Ms. Gilmartin thinks we will unfortunately continue to face difficult choices like this and she thanked all the administration for their thorough recommendations, their explanations and research and thanked her colleagues for their deliberation and thinks they had thorough conversations about these very important issues. Ms. Gilmartin realizes that is small comfort to the people who are impacted by the board's choices but know they are made with the utmost respect for the contributions they already made to the district. Ms. Gilmartin hopes there will be a place for them once again and they will continue to do the work they love and she thinks Mr. Malloy really drove it home, the point that all of these things are monitored, all of these things are assessed and she knows sometimes her colleagues get frustrated by information that changes but she is frankly quite pleased that we are not working with people who dig in their heels and say this is the way it's going to be. We have people who are willing to say they made a mistake, say they uncovered new information, say that something needs to be adjusted and thinks when we are working through such difficult circumstances that is all we can ask of one another and of the people who are making the recommendations in which we must vote. Ms. Gilmartin again said it is most certainly with a heavy heart that we cast these votes this evening.

The motion passed with six (6) affirmative and two (2) negative. Directors McAndrew and Yanni voted in the negative.

ALSO

F-2

A motion was made by Director Cruz, seconded by Director Malloy to approve the Personnel Report as attached. Motion passed unanimously on roll call.

ON THE QUESTION.

Director Cruz thanked the individuals resigning or retiring for their years of service and dedication and congratulated those appointed.

Director Dempsey asked if this is the complete list because she knows of a person who is resigning who is not on the list.

John Castrovinci said that during public comment someone mentioned another employee's professional status and he has already emailed them and will look into that and as for the additional resignations, any resignations he received after the deadline to submit for the agenda will be included on the report for the meeting in October.

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Professional Resignations

Emily Peil	Special Ed-Life Skills Grade 7 English Teacher	Scranton High School Northeast Intermediate	T.B.D 10/23/2020
Nicole Weber	Grade 1 Teacher	Sumner Elementary	T.B.D
Rachel Hain	Special Ed-Learning Support	Scranton High School Isaac Tripp Elementary	9/18/2020
Susan Reilly	Grade 1 Teacher		T.B.D
Rebecca Johnson	Special Ed-Emotional Support	Whittier Annex Northeast Intermediate	9/25/2020
Gregory Gianacopoulos	Autistic Support		T.B.D

PROFESSIONAL LEAVE OF ABSENCE

Louise Kurpis	Grade 4 Teacher	Whittier Elementary	ROH Sabbatical 2020/2021 School YR
Jennifer Palazzari	Guidance Counselor	West Scranton High School	FFCRA 9/14/2020-12/14/2020

RECOMMENDATION FOR PERMANENT SUBSTITUTE TEACHING ASSIGNMENT

Katie Chowanec	Kindergarten Teacher	Kennedy Elementary	9/2/2020 Replaced K. Sabol	\$38,377.00
Olivia Rainey	Grade 4 Teacher	Whittier	9/8/2020 Replaced L. Kurpis	\$38,377 prorated

RECOMMENDATION FOR LONG TERM SUBSTITUTE TEACHING ASSIGNMENT

Scott Gorton	Health/Phys Ed Teacher	Adams/Bancroft Elementary	9/14/2020 Replaced S. Zanghi	\$38,377 prorated
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NON-PROFESSIONAL RESIGNATIONS

Regina Fratzola	Clerk	West Scranton High School	9/11/2020
Erica Pizur	Para-Autistic Support	Kennedy Elementary	9/18/2020

PROFESSIONAL CONTRACTS

Jennifer Latshaw	Hearing Impaired	Scranton High School Northeast	9/2/2020
Mirhia Noldy	ESL	Intermediate	9/2/2020
Ashley Richards	Special Ed	Monticello	9/2/2020
Mary Ellen Stanton	Special Ed	Scranton High School	9/2/2020
Lindsey Vollrath	Special Ed	Monticello	9/2/2020

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Maggie Bryan	Reading	West Scranton Intermediate	9/2/2020
Basil Bannister	English	English	9/2/2020
Nicole Ferguson	School Nurse	Armstrong Elementary	9/2/2020
COACHING RESIGNATION			
Lak Sphabmixay	Ass't Varsity Soccer Coach	West Scranton High School	9/1/2020

ALSO

I-1

A motion was made by Director McAndrew to approve Western PA School for the Deaf (WPSD) contract to transport, to and from, three (3) school children attending WPSD from its Camp Hill location to WPSD in Pittsburgh.

\$6,710.00 per child for services. Total \$20,130.00

Director Hume seconded and the motion unanimously passed on roll call.

ON THE QUESTION:

President Gilmartin asked if the students are in this program already.

Dr. Baddick confirmed the students go back on Sunday and is for the entire year. They are transported on Sundays and return home on Fridays.

At this time President Gilmartin announced there will be a Budget and Finance Committee prior to the Work Session on September 28th and an Education Committee meeting on October 19th to discuss and share progress of virtual learning and how things have been going.

President Gilmartin expressed her deepest regret about the difficult choices they made this evening.

There being no further business a motion to adjourn was made by Director McAndrew, seconded by Director Dempsey and the meeting adjourned at 10:52pm all in favor.

By: _____