

A Special Meeting of the Board of Education, Seaford Union Free School District, was held on Thursday, January 27, 2022, in the All-Purpose Room located in the Manor Elementary School, 1590 Washington Avenue in Seaford, New York.

PRESENT: Ms. Stacie Stark - President
Mr. Kevin Devlin - Vice President
Ms. Andrea Parisi - Trustee
Ms. Natalie Pedisich – Trustee

ABSENT: Carmen Ouellette – District Clerk

ALSO PRESENT:

Dr. Adele V. Pecora
Mr. John A. Strifolino
Ms. Rhonda L. Meserole
Ms. Mary Anne Sadowski - Attorney

At 5:08 p.m., the President of the Board of Education opened the Special Meeting. Ms. Stark then advised that she needed a motion to adjourn the public portion of the meeting and convene an executive session for the purpose of conducting interviews for the position of Assistant Principal and discussing legal matters.

OPEN MEETING

A motion was made by Ms. Stark, second by Ms. Pedisich, to adopt the following resolution:

**MOTION FOR
EXECUTIVE SESSION**

RESOLVED, that the Board of Education of the Seaford Union Free School District enter into executive session for the purpose of conducting Interviews for the position of Assistant Principal and discussing legal matters and upon completion of discussion respecting the foregoing to return to open session.

No Discussion.
All Ayes
Motion Carried.

Executive Session concluded at 6:25 p.m.

**EXECUTIVE SESSION
ENDS**

At 6:32 p.m., the President of the Board of Education re-opened the Public Session. As the first order of business, Board President Stacie Stark led the audience in the Pledge of Allegiance. She asked everyone present to please remain standing after the Pledge for a moment of silence for the two NYPD officers lost this past week and for the other PD officers lost since the beginning of the year.

**RE-OPEN PUBLIC
SESSION**

Areas covered in Superintendent Dr. Adele Pecora's report included:

**SUPERINTENDENT'S
REPORT**

This week has been unprecedented
Nassau County Supreme Court decision
Mask optional day
Appellate Court decision stay
Decisions sometime must be made in minutes

- Difficult to make these decisions and how to communicate them to the public
- Mask mandate has been back and forth
- District is stuck in the middle of huge political controversy where we don't belong
- We called this Special Meeting because the Board was going to hear the recommendations of the Task Force
- Current numbers/data/positivity rates

Task Force Recommendations

- August 2021 Task Force Plan
- This was already in place to discuss masks CDC indicators and threshold for community spread
- When NYCRR 2.60 expires Seaford goes mask optional there will be no matrix to follow at that point
- Public can make comments to the Governor during this time period- contact information is here to write her email
- We understand how you feel

Dr. Dunn is moving on to another district in Nassau County

- Dr. Pecora spoke briefly about Dr. Dunn, her work in the District, how appreciated she is and how she will be missed
- We wish her nothing but the best

Ms. Bisulca will be moving to the Middle School which leaves an opening at the High School
Welcome Mr. Anthony Murray

Motion by Mr. Devlin, second by Ms. Pedisich, to accept the recommendation to approve the Personnel Action Report:

**PERSONNEL ACTION
REPORT - INSTRUCTIONAL**

A. Instructional (dated January 27, 2022):

- P-1: POSITION ABOLITION: No Recommended Actions
- P-2: POSITION CREATION: No Recommended Actions
- P-3: RESIGNATIONS: No Recommended Actions
1. LISA DUNN
Position: Assistant Principal
Assignment: Middle School
Effective Date: February 25, 2022
Reason: Resignation
- P-4: LEAVES: No Recommended Actions
- P-5: TERMINATIONS: No Recommended Actions
- P-6: TENURE APPOINTMENTS: No Recommended Actions
- P-7: APPOINTMENTS: (*) Subject to the successful completion of pre-employment screening
- (*) 1. ANTHONY MURRAY
Position: Assistant Principal
Type of Appointment: Probationary
Assignment: High School
Certification: Mathematics 5-6 Professional, Mathematics 7-12 Professional, Business and Marketing Professional, School Building Leader Initial
Effective Date: February 28, 2022
Expiration Date: February 28, 2026
Tenure Eligibility: February 28, 2026
Tenure Area: Assistant Principal Secondary
Salary: \$122,000 (prorated)
Reason: To replace Jennifer Bisulca
- P-8: OTHER:
- a Recommend the Board of Education approve the transfer of Jennifer Bisulca,
) Assistant Principal, from the Seaford High School to the Seaford Middle School effective February 28, 2022.

No Discussion.
All Ayes
Motion Carried.

Congratulations to Mr. Murray – welcome to the team
Congratulations to Ms. Bisulca; congratulations to Dr. Dunn

Board President Stacie Stark confirmed with attorney Mary Anne Sadowski the need to ask the Board for a motion to move around the items on the agenda.

Motion by Ms. Stark, second by Ms. Pedisich, to move items around on the agenda.

No Discussion.
All Ayes
Motion Carried.

Areas covered Board Discussion:

**DISCUSSION
COALITION**

Coalition of Long Island Schools:

Ms. Stark spoke about the coalition of school districts

- She said while Ms. Parisi and Ms. Pedisich were at the Task Force meeting, she and Mr. Devlin hosted a meeting in Seaford of the Coalition of School Board Members
- Coalition of School Board members meet to discuss many topics Monday night, here were 37 members representing 21 school districts
- Great group effort trying to get the word out to get people to come
- The Board Coalition is to discuss policies, concerns, and challenges that we as Board members face and to collaborate with one another and share ideas and best practices
- Coalition has met a few times since July in Massapequa; a couple of weeks ago Ms. Stark offered to host Monday nights' meeting
- It's a great way to get ideas from other districts on what they are doing, on what has worked and what has not worked
- There was more than one topic on the agenda, but we were only able to get to one item because of the new ruling from the Nassau Supreme Court that had just been decided
- Ms. Stark thanked everyone involved in arranging, prepping, and setting up the meeting.

Ms. Parisi thanked Ms. Stark for reaching out to all those Districts – it had a huge turnout, a big undertaking – and for all her efforts regarding the Coalition.

Ms. Parisi advised that she wanted to make a statement. Ms. Parisi statement in part:

As Dr. Pecora stated before, this was a tumultuous week, it was an emotional rollercoaster. I do have to mention that this week I have not been prouder to be part of this Board. When I tell you that every waking minute besides working our full-time jobs and caring for families has been dedicated to this. We are in this 100% if people think that the board and the community is not in this together you could not be more mistaken. We really feel what you are going through, we know you come to us with a lot of frustration as we feel the same way. If emails don't get answered it's not because anyone is sitting on their hands, I assure you that. I've been proud of this board and how this whole situation was handled even within the buildings. I know it was a challenge. I have two little kids; I feel what you feel. Like I said it has been an undertaking. This coalition meeting was put in place before anything else came into play. We understand the need for communication. Regarding the amicus brief, you know sometimes when information gets disseminated it comes in stages so when we heard about the amicus brief it was later in the day. It was getting the document, reading the document, speaking to legal, they have to read it, we have to meet, we have to have quorum. So as much as we all want things at the drop of a dime, it can't be done that way, OK. I understand the frustration when you heard districts were coming on to the amicus brief. There are 126 districts on Long Island Long Island and many of them were in the same boat as Seaford. They wanted to take part in that amicus and the time was just not there - we're not alone in this. It was a challenge for everybody.

Ms. Stark advised that she needed a motion to add a resolution to the agenda.

Motion by Mr. Devlin, second by Ms. Pedisich, to add the Task Force resolution to the agenda.

**ADDITION OF TASK FORCE
RESOLUTION TO AGENDA**

No Discussion.
All Ayes
Motion Carried.

Board President Stacie Stark read the Task Force resolution which was added to the agenda.

Motion by Mr. Devlin, second by Ms. Pedisich, to adopt the following resolution:

**TASK FORCE
RESOLUTION**

WHEREAS, on or about November 24, 2021, the New York State Department of Health adopted emergency regulation, 10 NYCRR 2.60, which provides, among other things, that indoor masking may be required under certain circumstances, as determined by the Commissioner of Health based on COVID-19 incidence and prevalence, as well as any other public health and/ or clinical risk factors related to COVID-19 disease spread; and

WHEREAS, on or about December 10, 2021, Acting Commissioner of Health Mary T. Bassett, issued "Commissioner's Determination on Indoor Masking Pursuant to 10 NYCRR 2.60" which, among other things, required "universal masking of teachers, staff, students and visitors to P-12 schools over age two and able to medically tolerate a face covering/ mask and regardless of vaccination status"; and

WHEREAS, emergency regulation 10 NYCRR 2.60 is set to expire February 21, 2022, unless further extended by the New York State Department of Health; and

WHEREAS, the Board believes that, in the absence of a legal requirement to the contrary, each District teacher, student, staff member and/ or visitor generally has the individual discretion to determine whether they will wear a face-covering while on District property during the pendency of the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Education of the Seaford Union Free School District hereby declares that, effective upon the expiration of 10 NYCRR 2.60 set to expire on February 21, 2022, it shall be the policy of the Board of Education that teachers, students, staff members and/ or visitors in the District will have the individual discretion to determine whether they will wear a face-covering while on District property during the pendency of the COVID-19 pandemic.

No Discussion
Stacie Stark - Aye
Kevin Devlin - Aye
Andrea Parisi - Aye
Natalie Pedisich - Aye
Motion Carried.

Ms. Stark clarified with Ms. Sadowski what this would mean related to the wearing of masks.

Ms. Stark advised that she needed a motion to add a resolution to the agenda.

Motion by Ms. Pedisich, second by Ms. Parisi, to add the Amicus Brief Resolution to the agenda.

	No Discussion
Stacie Stark -	Aye
Kevin Devlin -	Nay
Andrea Parisi -	Aye
Natalie Pedisich -	Aye
	Motion Carried.

**ADDITION OF AMICUS
BRIEF RESOLUTION TO
AGENDA**

Attorney Mary Anne Sadowski briefly explained the three prongs of the Amicus Brief and the resolution added to the agenda. Areas covered:

**AMICUS BRIEF
EXPLANATION**

Pending appeal in the Appellate Division of Judge Rademaker's decision; Attorney General made application for an emergency injunction seeking to stay the enforcement of Judge Rademaker's decision which found the Regulation to be Un-Constitutional.

For Attorney General's Office to succeed on that application the Attorney General must prove three things:

- Likelihood of success on the merits on her part in connection with the appeal (she believes she has enough case law to support a reversal of Judge Rademaker's decision rendered on Monday)
- Prove that if the stay of the injunction is not granted there will be irreparable harm as a result of permitting people to be mask optional
- Prove that when the Court looks at the balancing of the equities which is an equitable argument, they favor the State over the Petitioner, Mr. Demetriou

Court temporarily issued a stay pending receipt of additional papers; Petitioner's counsel did not have an opportunity to submit papers in opposition to the application for the stay

- Stay will remain until tomorrow or until the Court determines the motion for the emergency injunction

Whenever there is a case pending in Court, people who may be interested in the Court's decision on that matter are permitted to request permission to file Amicus Curie briefs

- Amicus Curie means they're a friend of the Court and that they have a position that they believe the Court should hear before it makes a determination on an application before it

Several school districts retained the services of attorney Nicholas Rigano, and requested he seek permission to file an Amicus Curie brief

- Other districts have an opportunity to participate in that filing
- Mr. Rigano is performing these services on a pro bono basis
- Mr. Rigano has already filed his order to show cause seeking permission to appear as an Amicus in the matter but there is an opportunity to add additional school district who may wish to participate until 10:00 a.m. tomorrow
- The resolution is to include Seaford School District as part of the Amicus filing

Motion by Ms. Pedisich, second by Ms. Parisi, to retain special counsel for an Amicus Brief on behalf of the Seaford School District.

**RETAIN COUNSEL FOR
AMICUS BRIEF**

WHEREAS, Rigano, LLC is a New York based law firm that represents clients on, among other things, litigation matters; and

**AMICUS BRIEF
RESOLUTION**

WHEREAS, the School Board wishes to retain the firm to represent the School District as amicus curiae in the action, styled *Demetriou et al. v. New York State Department of Health et al.*, Docket No. 2022-00532 (N.Y. App. Div. 2d Dep't) (the "Litigation") on the terms set forth in the retainer agreement dated January 26, 2022 (the "Retainer Agreement"); now, therefore be it

RESOLVED, that the firm of Rigano, LLC is hereby retained by the School Board and School District as pro bono counsel in connection with the Litigation on the terms set forth in the Retainer Agreement; and, be it further

RESOLVED, that the Board President is authorized to execute the Retainer Agreement on behalf of the School Board and School District; and be it further

AMICUS BRIEF RESOLUTION (cont'd)

RESOLVED, that the firm is authorized to file an amicus brief on behalf of the School District subject to the final review and approval of the Board of Education and the firm is authorized to represent the School District in the Litigation, including during oral argument therefor.

	No Discussion
Stacie Stark -	Aye
Kevin Devlin -	Nay
Andrea Parisi -	Aye
Natalie Pedisich -	Aye
	Motion Carried.

In response to Ms. Stark's question, attorney Mary Anne Sadowski advised Ms. Stark to read the Amicus Brief resolution so the public knows what the resolution says.

Ms. Stark then stated: I'm going to say for me that this is not a political decision. I'm not taking sides on this. This is based on the actions of the attorney and what the attorney has put into his papers. I'm tired of the kids being in the middle of politics. It is very frustrating - the kids are having a hard time. Parents, kids, staff – it's too much. I will not take a political stand on any of it, so I just want that to be put out there.

Comments, Questions and/or Concerns Raised by the Public included:

PUBLIC COMMENTS

Proud of this Board and the Administration for passing the resolutions tonight
- This was enormous sign of good faith and good will that people in the Community have been craving
Any time you have the opportunity to step up on behalf of this Community you take it, and you seize it
Any time you have the opportunity to stand with us and fight these mask mandates embrace that moment
Must work together
Mask mandates are Unconstitutional
Believe the Board can just come out and say we don't approve of it and are going to do this optional
Why were two messages sent out about masks going back on again?
Were teachers complaining? Parents? Kids?
Understand that there are laws you must follow
Do we have a plan to do a postmortem after this is all done
Just want this Community to be a community again
Wish we could just figure out a way to bring our New York back, our families back and our community
Feel like they took away my 10th grade; 11th grade when online technology issues
I feel like I was deprived of a high school career
A lot of combined stress students don't need
Once masks become optional, I hope that the teachers treat the kids in school the same way they were treated before COVID
I was yelled out for not wearing a mask; I was refused lunch from the cafeteria because I didn't have a mask on
I wasn't notified that one of the 3rd grade classes had COVID; notified of lice, strep throat but cannot be notified about COVID
Children are being called resilient; they should not be – parents should be resilient for their children
Because of the masks my son cannot see how his teacher is sounding out sounds so he can learn properly
The students just learned about Martin Luther King and how he said one has a moral responsibility to disobey unjust laws
Thank you for your support on unmasking when the mandate expires
Thank you for supporting the Amicus Brief
Our children have been in the middle of a political game
Our most prized possessions are stuck in the middle of this
What else can we do if this mandate stays, and it is extended
What are the repercussions if we do not follow the State mandate
Do we have a plan moving forward; have we done a cost analysis if were to go against the mandate
Are we willing to call their bluff

Comments by the Administration, Board and Attorney

**COMMENTS BY THE BOARD,
ADMINISTRATION &
ATTORNEY**

Federal Law - Masks are required on all school buses
If there was a dollar amount for each violation that we could figure there would be a conversation
District could lose up to \$16,000,000 in State Aid
Commissioner of Education has the right to remove sitting board members, remove the Superintendent and start proceedings to revoke certifications of administrators and withhold state aid from the District.
Would have to find a way to shave \$16,000,000 out of services that are provided

COMMENTS BY THE BOARD/ADMINISTRATION/ATTORNEY (cont'd)

If a Board is removed the Commissioner brings in a State appointed board which is brought in from out of the district to run your district; community would not have the ability to vote for new board members

If masks are not worn in a building it is possible that the building administrator could lose their license as well

Ms. Stark advised that at the coalition meeting the other night they found out that the next day would be mask optional. Not all districts went mask optional. The following day we found out that masks were back in place. Every single district went back to mandating mask be worn in school. She went on to say that she was not going to speak for other districts but the sentiment in the room at the coalition meeting was that they were not willing to take the risk of breaking the law and losing an unknown amount of money for our district.

Ms. Parisi stated that sometimes we have to look at the bigger picture. Of course, the funding has major collateral damage – aside from property values, programs, teachers, staffing positions – it's endless – but the fact that the State could come in is to me a major concern. I don't know what they would put in place for our kids - I don't even want to think about it. I am here to fight for the kids. I don't know who they would bring in so that to me is a very scary image when you want less government control and involvement for them to come into my school and sit on my board and decide anything for our kids. I think we all can agree on that.

Ms. Stark stated that they will follow the law. Ms. Stark thanked the students for coming and expressing themselves. She also spoke about the 4th Grade concert she attended and the first song they sang was Goodwill and Peace and that is what the children need.

Please go to the website for the public comment section and make your comments.

Ms. Parisi spoke about the Board submitting a public comment as a Board

Closing remarks by the Administration and Board

CLOSING REMARKS

We are all passionate about this. Not all communities are like this; things are very different in other towns as we saw with the masking and the unmasking. As much as everyone is frustrated at this point, no matter how you feel you should be able to come up and speak freely and feel comfortable addressing the board and administration and in writing to us. I am proud of this community because I have to say if we all didn't stand up and fight for what we believe and if it wasn't for your support, I don't know where we would be.

We all want to be there too. It's not easy for us. I am an educator, I loved seeing my students the other day without masks. We feel it but there is only so much we can do. We should all complain and stand up for what we believe. We are trying but we are as frustrated as you. Hopefully this will end soon, and they will hear our voices.

Thank you to the Task Force for their work and recommendation

Congratulations and welcome to the team Mr. Murray.

Congratulation Ms. Bisulca

Dr. Dunn thank you for your service to the District and congratulations.

At 8:00 p.m., a motion was made by Mr. Devlin, second by Ms. Parisi, to enter into Executive Session for the purpose of discussing particular student matters and upon completion of discussion respecting the foregoing to return to open session to adjourn the meeting.

EXECUTIVE SESSION

No Discussion.
All Ayes
Motion Carried.

Executive Session concluded at 8:20 p.m.

EXECUTIVE SESSION ENDS

There being no further business, a motion was made by Ms. Stark, second by Ms. Pedisich, to adjourn the Special Meeting at 8:20 p.m.

ADJOURN SPECIAL MEETING

No Discussion.
All Ayes
Motion Carried.

Respectfully submitted,

Andrea Parisi
Vice District Clerk